

Ontario Economic Council Municipal Planning Review

Part 3: The Responses Necessary

Draft



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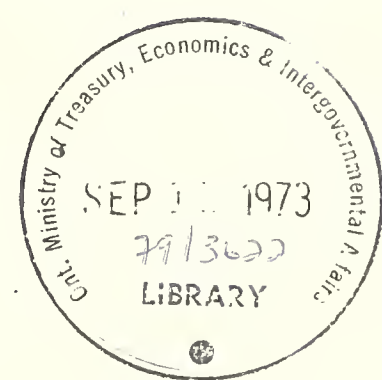
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ONTARIO ECONOMIC COUNCIL
MUNICIPAL PLANNING REVIEW
PART III
THE RESPONSES NECESSARY



COMAY PLANNING CONSULTANTS LTD.

P.S. ROSS & PARTNERS

PROCTOR, REDFERN, BOUSFIELD & BACON

JULY 1972 ✓

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31 July 1972 Project E.O. 71746

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Attention Mr. D. Richmond

Gentlemen

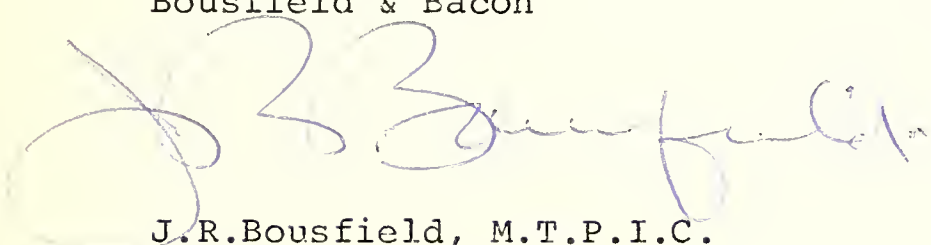
Re Municipal Planning Review

On behalf of the Study Group, we are pleased to enclose herewith three copies of the draft of Part III of the Municipal Planning Review. Entitled "The Responses Necessary", this section sets out our recommendations for changes in provincial policies and procedures as they affect the municipal planning process.

We hope to discuss this section, together with Section II forwarded in June, with the Steering Committee during the next few weeks. Following that, all three Sections, revised as necessary and with summary attached, will be forwarded to you.

Yours very truly

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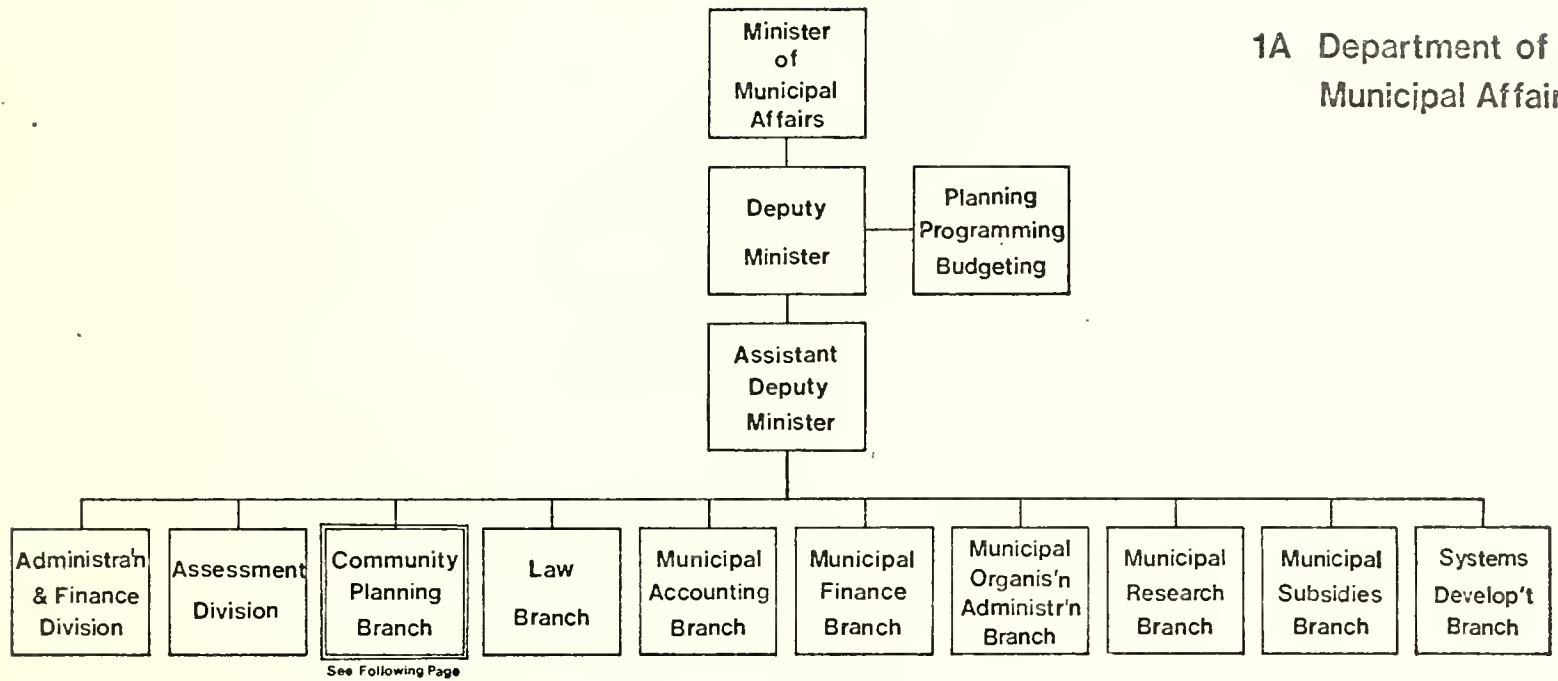
FOREWORD TO
PARTS II AND III

During the time that this Review was in progress, the administrative departments of the provincial government underwent a major reorganization. Many of the old and familiar names disappeared as various branches and agencies merged, or were absorbed by new departments having new groupings of functions.

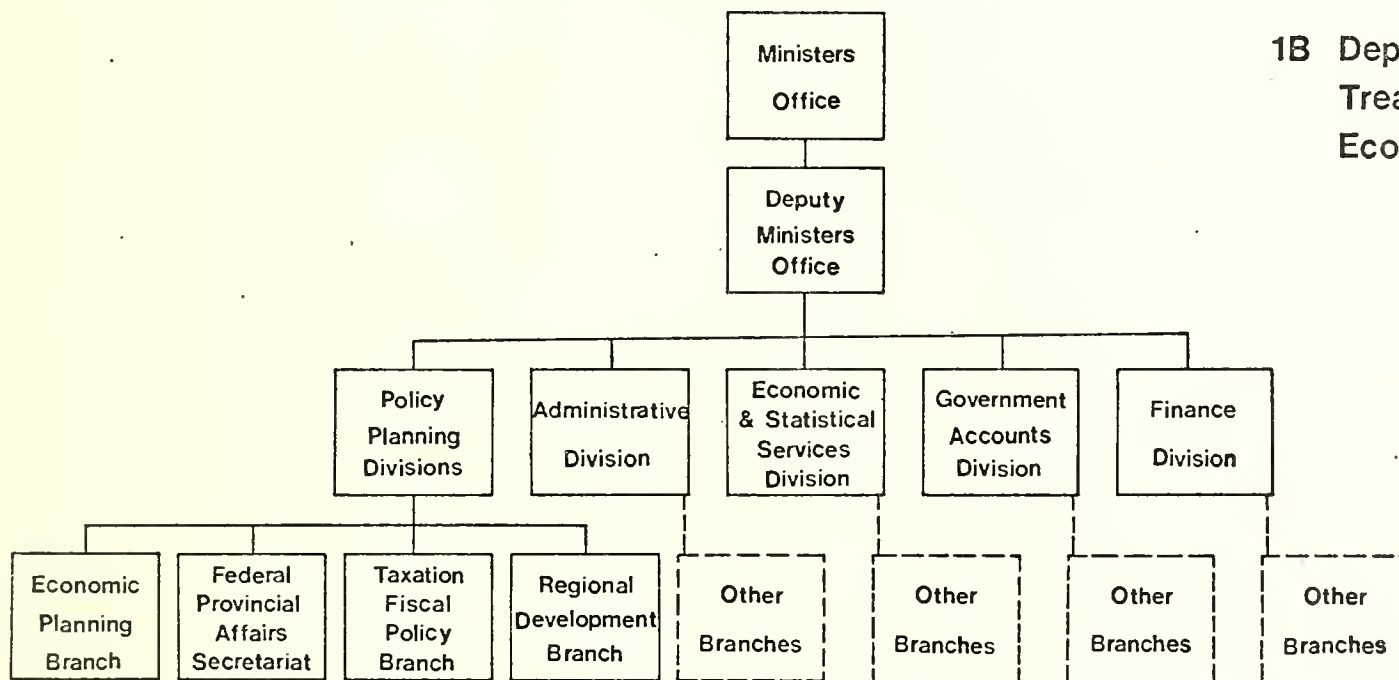
For ease of writing this report, it was decided to stick with the old names in Part I, which deals with past events, and to use the new names in Parts II and III which are addressed to the years ahead. To assist the reader in bridging this divide, the attached figures juxtapose the organization charts of the old and new departments most closely connected with municipal planning.

Figure () contains the charts of the former Department of Municipal Affairs (1A) and Department of Treasury and Economics (1B) which, to over-simplify somewhat, merged to form the Ministry of Treasury, Economics and Intergovernmental Affairs (1C). Figure () contains the chart of the old Community Planning Branch of the Department of Municipal Affairs (2A) which merged with the Regional Development Branch of the

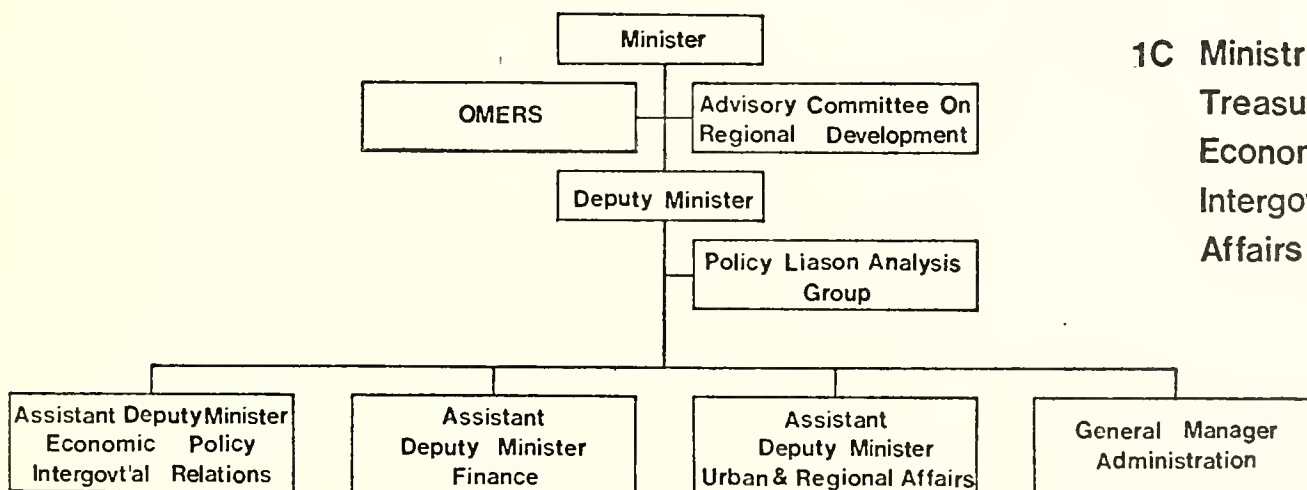
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1B Department of Treasury & Economics



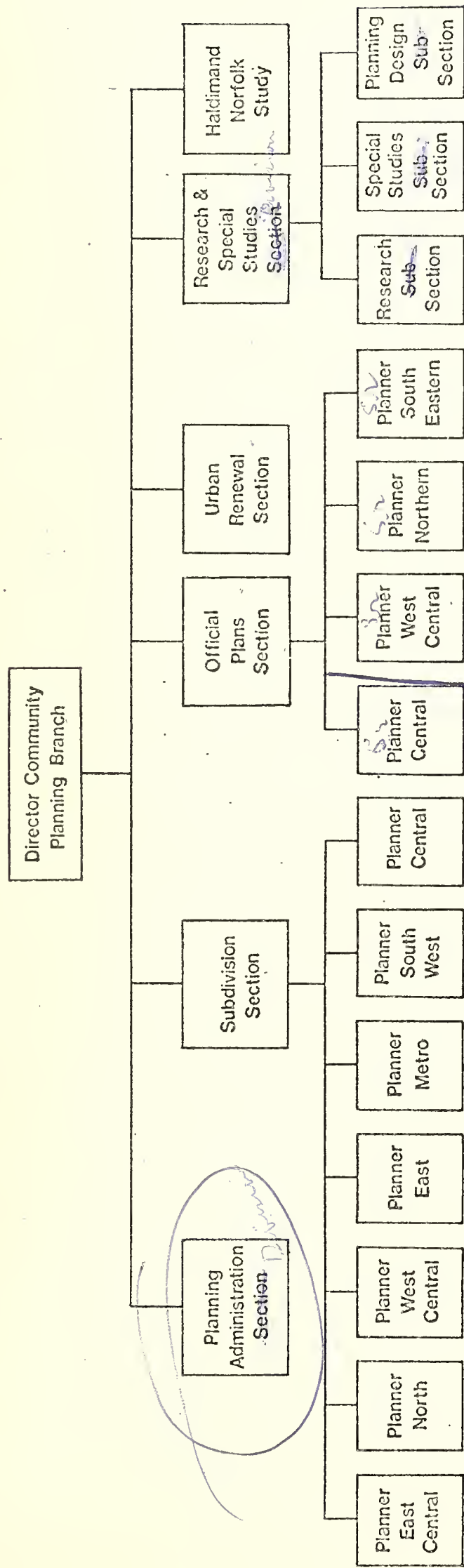
1C Ministry of Treasury , Economics & Intergovernmental Affairs



Figure

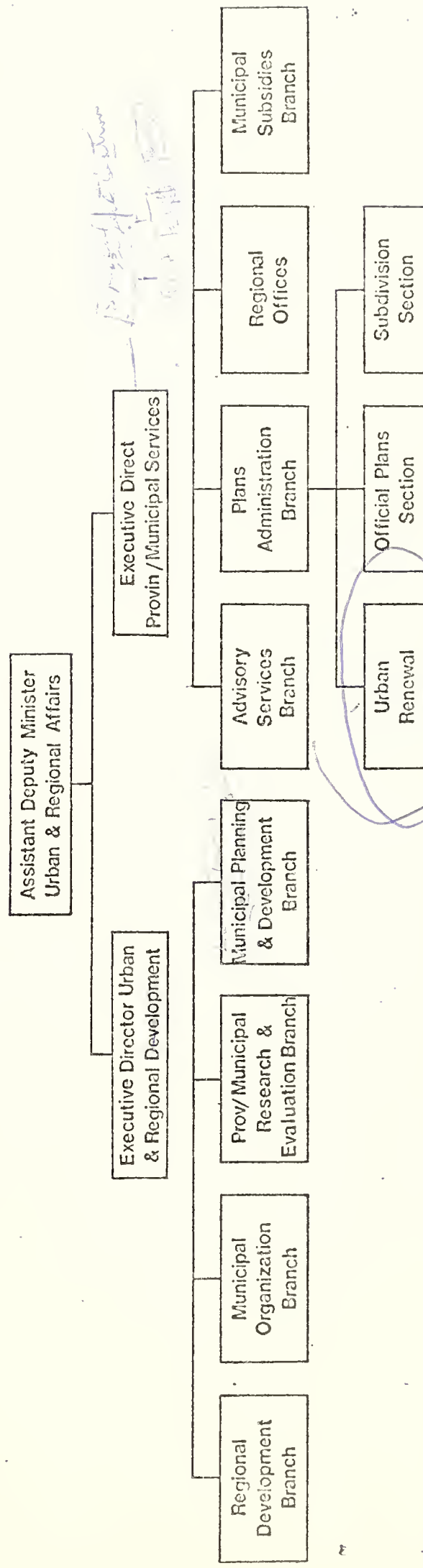


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Department of Treasury and Economics (and some other branches) to become the new Urban and Regional Affairs Division (2B) within the new Ministry. It will be noted that the administration of the Planning Act (official plans, subdivisions, urban renewal, etc.) is now under the Plans Administration Branch of Urban and Regional Affairs.

It may assist the reader to remind that the functions of the O.W.R.C. are now carried out by the Water Management Division, Ministry of the Environment. (The O.W.R.C. members now serve on the Environment Hearing Board). The Department of Highways, and the Department of Transport are now parts of the Ministry of Transportation and Communications. The Department of Lands and Forests is now within the Ministry of Natural Resources.

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PART IIITHE RESPONSES NECESSARY

The first section of this Review examined the way in which the municipal planning process has evolved over the past twenty-five years, and Part II attempted to forecast the new and changing conditions within which the process will function during the next decade. It is the task of this third and final section to pull together all of the observations and criticisms of the earlier pages, and to mould them into specific recommendations for provincial action, all aimed at equipping the municipalities to do a better planning job in the years ahead.

In so doing, attention will range across the full spectrum of municipal planning actions, and will be directed toward all of the actors, private and public, who share in the process. Sequentially, this section will be concerned first with the creation of a proper framework for municipal planning, secondly with the means to improve its quality and extend its effective use, and thirdly with ways to enlist wider public participation and support for the process. Lastly, this section is addressed to the steps which are desirable if the economic and social consequences of municipal planning are to be improved.

Two consistent themes may be perceived underlying all of the recommendations which follow, and these themes derive from the conclusions stated at the close of Part I. The first is the simple, hoary (and distinctly at odds with many contemporary trends) notion that the provincial role in municipal affairs, specifically in this case municipal planning, should be limited to the formulation and dissemination of policies which are of significance on a provincial scale. To the extent that administrative functions are necessary, these should be decentralized to the greatest extent practicable.

This will only work if the municipalities are capable of meeting their responsibilities of course, and the second underlying theme is the need to strengthen abilities for planning at the municipal level, not only those of the public agencies already at work, but also the capabilities of the citizens who want, and who should find a constructive role in the process.

3.1 CREATING THE PROPER FRAMEWORK

It has been noted that until recently the effective framework for municipal planning in the province has consisted mainly of the legislative enactments which govern local planning activity. This essentially permissive legal structure has been accompanied, at least until recent years, by an equally permissive administrative machinery at the central government level. Currently however the provincial government has been undertaking a number of strong initiatives having a direct bearing on municipal planning. These have included, at various places and in varying degree, elements of the following:

- a. active intervention into the content and operation of local planning;
- b. outright engagement in regional planning, with frequent incursions into areas normally associated with local planning responsibility;
- c. structural revisions of municipal planning machinery;
- d. a number of specific policy formulations with direct consequences for local planning.

It is plainly evident that the framework within which municipal planning operates has been changing significantly, from the previous rather minimal configuration to an increasingly complex

arrangement. Complexity is perhaps an inevitable consequence of the emerging strong central government stance, but to date the prominent characteristics, perhaps equally inevitably, have been a confusing operational framework and an indistinct policy framework for municipal planning. The need for a clear framework, within which municipalities can plan in a consistent manner conforming to essential provincial policy formulations and operational requirements, is an essential condition for effective municipal government in the next decade.

3.1.1 An Overall Provincial Strategy

The province's responsibility for establishing the municipal planning framework centres, in the first instance, on the formulation and clear articulation of the basic strategy for provincial development and on the role of the municipalities in implementing this strategy. The components of an overall strategy can be defined simply: coherent and systematic goals; coordinated programs for pursuing these goals; an appropriate organization for carrying out the programs; and finally, suitable methods for adapting the goals, programs and organizational structure to changing circumstances.

This report does not deal with the actual substance of provincial development policy or the specifics of provincial development plans. Its concern is mainly that such policy be formulated clearly, that an appropriate provincial structure plan be established, and that a suitable strategy for carrying out the policy and the plan be pursued.

The elements of overall provincial strategy which affect municipal interest most directly are likely to include the following:

- A basic policy on the allocation of provincial ^{De} sources.
- A coordinated program of regional social and economic development across the province.

- A coherent province-wide policy on the form, shape and function of local government.
- A consistent philosophy on critical policy concerns, including particularly environmental conservation, social and economic welfare, and community amenity.
- Effective mechanisms for financing provincial and municipal programs.

Some aspects of these basic elements are well established and others are currently emerging; some others, it would appear, are present either as fragmentary bits and pieces of evolving provincial policies or are simply, to date, non-existent. What appears to be beyond dispute is that there is not as yet an overall provincial development strategy confirmed and reflected in a provincial structure plan. It is also clear that without such a strategy and plan there can be no effective framework for municipal planning in the province, and that its formulation should be afforded a high priority on the agenda of major public policy.

It is therefore recommended that:

- HIGH PRIORITY BE GIVEN TO ESTABLISHING AN OVERALL STRATEGY FOR PROVINCIAL DEVELOPMENT. BASIC PROVINCIAL DEVELOPMENT POLICIES SHOULD BE FORMULATED CLEARLY, AN APPROPRIATE PROVINCIAL STRUCTURE PLAN DEVISED, AND THE MEANS OF IMPLEMENTING THE PLAN DETERMINED, INCLUDING A CLEAR DEFINITION OF THE ROLE OF THE MUNICIPALITIES IN CARRYING OUT THE PLAN.

3.1.2 Nature and Content of Provincial Plans; The Boundary Between Provincial and Municipal Planning

Part II of this report touched on a basic question concerning provincial planning - whether the province's current regional planning program is being directed primarily to establishing a broad-based provincial strategy and structure plan, within which the role of each region is defined, or whether the aim is to produce a series of regional plans which, combined, will constitute in effect the provincial plan. The fundamental need for an overall provincial development strategy has already been stressed, but the resolution of this basic question is equally important in establishing the proper framework for municipal planning in the province. Determining the appropriate boundary between provincial and municipal planning is, in a real sense, almost as important as determining what the plans actually provide.

The appropriate guiding principle is clear: the exercise of provincial planning should be directed to those matters which are of direct provincial concern or importance - to those matters, that is, which reflect or directly impinge on provincial interests and responsibilities, be they specific programs or functions, fundamental policies, or the maintenance of residents' rights.

This principle is like most principles in that it is easier to state in theory than to define in practice. The basic characteristic can perhaps best be elicited by noting, by way of illustration, the fundamental divergence between provincial and municipal concerns in a given functional area. As this report has continuously stressed the question of housing, it can usefully be cited for illustrative purposes.

The direct provincial interest in housing is clear. It is, essentially, that there should be an adequate supply of dwellings, in kind, number and quality, to house the province's population. The mechanics for serving this basic provincial interest extend of course well beyond the question of planning programs and controls. Within this ambit however there is little doubt that provincial planning should be concerned with determining the numbers and kinds of housing units to be established in each region, in ensuring (directly or indirectly) that adequate supporting services (in particular underground utilities, power and community facilities) are provided, that municipal programs for maintaining the quality of existing dwellings are effective, and that municipal development control and fiscal policies do not prevent or inhibit the achievement of provincial housing goals. There is, equally, the need to ensure that direct provincial housing programs are supported by suitable municipal

actions and that housing finance programs, federal and private, are suitably coordinated with the province's basic housing goals in each region.

Beyond this there appears to be little of genuine provincial interest or concern. Such questions as density standards or distribution patterns, for example, are probably matters which are essentially for local determination. While they may well involve important matters of principle or even of ideological concern, the density patterns of the major metropolitan areas in the province and of the smaller centres as well do not affect basic provincial interests in any fundamental sense and do not therefore really belong within the scope of the province's regional planning programs.

They do, however, impinge directly on major areas of local concern - in this case the basic character of the communities involved and the obligation to provide a satisfactory physical and social environment for the municipality's inhabitants. To put it more simply: the provision of suitable amounts of different kinds of dwellings within each region is of direct provincial concern, the distribution of these dwellings within the region is essentially a local matter.

This kind of oversimplified distinction perhaps belabours the obvious. Yet if the evolving experience of regional/local planning

relationships has demonstrated any one thing it is the crucial importance of arriving at an acceptable understanding of the proper boundary between the respective jurisdictional authorities. As provincial intervention in the municipal planning process mounts, the need for a similar kind of understanding is equally clear.

In essence therefore, provincial responsibility can be defined as setting a broad regional framework for provincial development; regional responsibility to formulate and execute regional development plans within the framework; and local responsibility to set detailed local policies and administer local programs within the regional outline. ()

-
- () The distinction is noted, at this point, between the basic five-region structure which has been established for provincial economic and development planning and the smaller regional government areas which are emerging as the general pattern for local government in much of the province. The broad regional framework seen as the province's basic responsibility is taken to include, as a matter of course, "regional" plans for these large economic regions, and as part of these plans specific goals and policies for the municipal governmental units within these regions (i.e. regional government areas where established, local government areas where regional government is not in prospect).

Within this context, the nature and scope of provincial planning for the regions can be described summarily:

- a. Provincial regional plans should embrace, in the first instance, the province's social and economic goals for each region. These are, of course, expressed varyingly (as the province's regional interests themselves vary), but should be expected to include, one way or another, at least the following elements: the broad pattern of future inter-regional development and general character of future development within each region (e.g. urban, agricultural, recreational, resource, etc.); the projected scale of development (persons, dwellings, economic activities, jobs); the general infrastructure of physical services (transportation, utilities, etc.) and of community and institutional services (education, social welfare, recreation, community development, etc.).
- b. Provincial regional plans should incorporate basic provincial policies relating to the conservation of the physical and social environment and the welfare of the inhabitants. Some examples can be noted to illustrate the range of appropriate policy concerns in urban-centred areas: the maintenance or alteration of residential segregation patterns; rehabilitation, renewal, redevelopment of the existing residential fabric; the mix of transportation

*In light of what is
said on p. 9 - how
would this be expressed?*

modes; basic development standards, such as open space and community facility requirements; and, not least, prevailing provincial philosophies concerning the general nature of urban life and development (e.g. "parkway belts", and similar conceptual devices). Relevant types of policy concerns in the non-urban areas of the province are equally appropriate as fundamental elements in provincial regional plans.

- c. Provincial regional plans should also be viewed as basic instruments for coordinating the planning of specific provincial programs relating to regional development. These include of course the traditional and obvious programs, such as housing, transportation, recreation, environmental conservation, power resources, etc., but should be taken to comprise as well the wide range of community development programs which are a basic provincial responsibility (e.g. education and social welfare).

The general question of provincial regional planning involves some important questions which have been stressed earlier. First is the matter of public accountability for provincial planning programs. Unlike municipal planning programs, which are governed by legislative stipulations and require provincial sanction, the

content of provincial "plans" as such is subject only to the general political and financial restraints imposed on the formulation of any major government policy. Notably lacking, as has been strikingly evident in the TCR experience, is a mechanism either for thorough public scrutiny of the basis of provincial planning policies, or for ongoing review of these policies. ()

() To appreciate the gap between the presentation of the basic TCR concept and the formulation of its principles and policies, it is understood that more than two years after the document was originally issued and a year after the subsequent Status Report, current work which is under-way includes, among other activities:

- Studies on the size, shape and timing of development in Zone 1 (the basic urban development area of the region).
- Formulation of the basic principles underlying the Parkway Belt.
- Preparation of detailed population allocations for districts within the TCR area.
- Studies on open space requirements for the region, and their implementation.
- Studies on the diversion of employment to eastern sections of the region.
- Preparation of a plan for an integrated transportation system serving the area.
- Review of the role of the Kitchener-Waterloo area in the region and formulation of programs to influence the timing of development in that area.
- Review, in the light of environmental considerations, of the proposals for growth in the Barrie and Midland areas.

It is not suggested that the execution of a provincial planning program for this region need await the final formulation and adoption of each of the detailed elements of the plan. What is apparent though is that the adoption

Without such a mechanism, provincial planning for and in the region will be an elusive exercise, susceptible to all of the vagaries of ad hoc decision making which have heretofore characterized much municipal planning activity under the permissive structure of the Planning Act. There is no real reason, other than the vague shelter of provincial constitutional rights, for provincial plans affecting the regions to be subject to any less scrutiny than municipal plans affecting local areas; both, in the final analysis, involve and affect the very same people and the way they live. It is essential that machinery be put in place to ensure that provincial regional plans undergo a statutory process of public consideration and that the process of adoption, review and revision be suitably codified.

(cont'd) of government policy for this region - and, significantly, the implementation of government policy in the form of decisions concerning development approvals, land acquisitions and "new town" development programs - has been carried out without any real, visible presentation and public judgment of the basic underlying principles involved, of the essential information on which these principles are based, and of the social, economic, institutional and financial implications of carrying out these policies. There has been no way for the affected public to make reasoned judgments concerning the TCR program and, equally important, for the affected municipal governments to provide a meaningful input into the formulation of the basic policies (as distinguished from their current urgent need to make a meaningful response to the adopted policies).

The second issue is directly related. Provincial authority over regional planning involves the need to ensure both that there is meaningful public participation in the planning process itself, and that those affected by planning decisions are adequately represented in the formulation and execution of those decisions. It is a basic provincial obligation to secure and enforce these public rights with respect to its own plans and with respect to regional and local government plans within the provincial framework. Not the least of the provincial roles in regional planning is to ensure an appropriate level of public participation in the local planning process.

Third, the provincial planning function must continue to provide, in some form, for sanctioning local actions within the provincially-determined framework. The provincial concern is primarily that local actions do not conflict with basic provincial policies or inhibit the execution of provincial programs. There is also a somewhat more elusive responsibility to ensure that local planning programs are consistent with the attainable level of municipal services. Beyond these points, this report has repeatedly stressed that decisions on local matters should be taken locally, and that the provincial approval function should not incorporate concern with the substantive detail of local policies. The appropriate vehicle for discharging this basic provincial approval function within the philosophical boundaries noted is through the

delegation to the greatest possible extent of the Minister's statutory powers. As is discussed later, the creation of a two-tier municipal structure presents an ideal opportunity for carrying out such delegation, though the principle of delegation is equally pertinent to municipalities remaining outside the two-tier system.

A final matter of provincial responsibility is that of inter-regional coordination. Here again the main concern should be the maintenance of basic provincial policy and program interests. Provincially-imposed "coordination" between adjacent regional municipalities which extends substantially beyond this point is not likely to be very productive or effective; only genuine collaboration between parallel governments in the pursuit of parallel interests can produce a meaningfully coordinated planning program. The most basic provincial interest is to ensure a suitable fiscal and structural base for such collaboration.

In summary, it is recommended that:

- IT SHOULD BE CLEARLY ESTABLISHED AND ACCEPTED THAT PROVINCIAL RESPONSIBILITY WITH RESPECT TO MUNICIPAL PLANNING IS DIRECTED PRIMARILY TO SETTING A BROAD REGIONAL FRAMEWORK FOR PROVINCIAL DEVELOPMENT; THAT

REGIONAL RESPONSIBILITIES ARE MAINLY TO FORMULATE AND EXECUTE REGIONAL DEVELOPMENT PLANS WITHIN THIS FRAMEWORK; AND THAT LOCAL RESPONSIBILITIES ARE TO SET DETAILED LOCAL DEVELOPMENT POLICIES AND ADMINISTER LOCAL PROGRAMS WITHIN THE REGIONAL OUTLINES.

- PROVINCIAL PLANS SHOULD BE ESTABLISHED FOR EACH OF THE FIVE CONSOLIDATED PLANNING AND ECONOMIC DEVELOPMENT REGIONS AND SHOULD INCORPORATE THE FOLLOWING ELEMENTS:
 - THE PROVINCE'S SOCIAL AND ECONOMIC GOALS FOR EACH REGION.
 - THE PROVINCE'S BASIC POLICIES RELATING TO THE CONSERVATION OF THE PHYSICAL AND SOCIAL ENVIRONMENT AND THE WELFARE OF THE INHABITANTS.
 - THE SPECIFIC PROVINCIAL PROGRAMS DIRECTED TO ACHIEVING PROVINCIAL GOALS AND CARRYING OUT PROVINCIAL POLICIES IN EACH REGION.
- SO THAT THE BASIS OF PROVINCIAL DEVELOPMENT POLICIES CAN RECEIVE PROPER PUBLIC SCRUTINY, LEGISLATIVE PROVISION SHOULD BE MADE FOR PROVINCIAL REGIONAL PLANS TO UNDERGO A STATUTORY PROCESS OF HEARING, ADOPTION AND REVIEW, AND FOR PROVINCIAL ACTIONS TO BE SUBJECT TO THE PROVISIONS OF FORMALLY ADOPTED PROVINCIAL REGIONAL PLANS. AS PART OF THIS PROCESS,

PROCEDURES SHOULD BE INITIATED TO SECURE AN APPROPRIATE LEVEL OF PUBLIC PARTICIPATION IN THE FORMULATION OF PROVINCIAL, REGIONAL AND LOCAL PLANS.

- TO SECURE THE SATISFACTORY ACHIEVEMENT OF PROVINCIAL REGIONAL GOALS, A SUITABLE FISCAL AND ORGANIZATIONAL BASE SHOULD BE ESTABLISHED WITHIN EACH OF THE FIVE PLANNING REGIONS TO ENABLE BOTH FIRST AND SECOND-TIER MUNICIPAL GOVERNMENTS TO PURSUE COORDINATED DEVELOPMENT POLICIES WHICH WILL SATISFY SPECIFIC LOCAL INTERESTS WITHIN THE FRAMEWORK OF THE ESTABLISHED PROVINCIAL GOALS.

3.1.3 Decentralizing Provincial Planning Administration

To secure and maintain a productive framework for municipal planning it is desirable for the government to disengage itself progressively from direct involvement in planning affairs at the municipal level. The ultimate objective, already noted, should be total delegation to municipal governments of the wide range of Ministerial planning approvals, reserving to the senior government the essential power of assuring that municipal actions conform to basic provincial policy requirements and the responsibility for adjudicating appeals from municipal planning decisions.

Delegation of provincial approval powers will properly be contingent upon the availability of satisfactory municipal plans, capable staff, plus fair and effective procedural methods. The most immediate prospects for such conditions being met are in the new regional municipalities. As is noted later, similar delegated authority should be made accessible to single-tier municipalities remaining outside the reorganized local government structure. In either case, however, delegation to all municipalities will assuredly be a drawn out and uneven process.

In the meantime, an important step toward delegation can be taken through the effective decentralization within the provincial administrative structure, of most aspects of development processing. The administrative structure should be decentralized so that local provincial representatives, operating at least at the level of the five major planning regions, are given de facto powers to deal with the main instruments of planning control (i.e. subdivision plans, official plans and amendments, and the review of zoning bylaws and land severances etc.), as long as they remain in the hands of the Minister. From the experience in Thunder Bay it is reasonably conclusive that there is a greater degree of local acceptance of provincial decisions which are taken in the local field offices, despite the generally contentious nature of issues involved.

The reasons for this are clear. Local provincial representatives are both visible and accessible. They should possess, on the one hand, close knowledge of local circumstances and a corresponding understanding of the local implications of specific decisions; on the other hand they can convey in accessible terms, the basic and rationale for specific provincial policy formulations. This should lead to clearer understanding by all parties (provincial, municipal, private) of the issues involved, and a generally more efficacious setting for rational disposition of important policy questions. The delegation of real authority to local provincial representatives should also facilitate more effective coordination of diverse provincial programs within the area concerned.

This requires a significant degree of administrative decentralization in the various provincial agencies carrying out regional programs. What is required is a substantial degree of decentralized decision making authority. Local field offices serving primarily as local information units, or as mechanisms for carrying out work in the field, are of course important. But the adequate presentation of provincial development policies at the local level and the proper accommodation of local response requires that the detailed policies themselves should to the greatest possible extent be worked out at a local or regional level.

This would not only facilitate coordination of the various provincial programs concerned, but also the effective accommodation of local programs within provincial policies specifically geared to local circumstances. Within this kind of context, specific provincial decisions concerning local development matters can be taken, as they should be, at the location which most closely approximates the interests of the affected parties.

It is therefore recommended that:

- PENDING THE ULTIMATE DELEGATION TO MUNICIPAL COUNCILS OF PROVINCIAL AUTHORITY OVER MUNICIPAL PLANNING DECISIONS THE PROVINCIAL ADMINISTRATIVE MACHINERY SHOULD BE DECENTRALIZED TO PERMIT THE GREATEST POSSIBLE DEGREE OF DE FACTO DECISION MAKING AUTHORITY ON THE PART OF REGIONAL AND LOCAL FIELD REPRESENTATIVES: AND
- THAT THE VARIOUS PROVINCIAL AGENCIES CONCERNED WITH FORMULATING AND CARRYING OUT PROVINCIAL DEVELOPMENT POLICIES SHOULD SIMILARLY BE DECENTRALIZED TO FACILITATE PROPER COORDINATION AND ACCOMMODATION OF PROVINCIAL AND LOCAL INTERESTS.

3.1.4 The Role of the Ontario Municipal Board

The operations and role of the Ontario Municipal Board are currently the subject of a separate legislative review, and decisions concerning the Board's future will presumably be taken in the light of its findings. Nevertheless, because the Board's activities have a significant effect on municipal planning in Ontario it is necessary to give consideration in this report to the implications of these activities with respect to the municipal planning process.

The O.M.B. is, in a general sense, an administrative tribunal which has been established to apply provincial policies in the specific areas of its jurisdiction; affecting municipal planning, these are the consideration and approval of zoning bylaws, municipal boundary changes, municipal borrowing for capital works, and, at the Minister's referral, local official plans, amendments, subdivision applications, committee of adjustment decisions etc. The Board is essentially an administrative agency with a subordinate legislative role - the elaboration of established legislative policies through its decision.

It has been evident for years that for many, if not most, of the questions the Board deals with, provincial guidelines are either vague or lacking. The policies applied by the Board have tended over time to become those it has itself formulated (and particularly over the past decade those formulated by the incumbent chairman). While the Board has sometimes taken the position it is

not bound by past decisions and at other times that the principles underlying previous decisions are relevant, its decisions are, in a very important sense, incremental in nature. Over time, and in the critical areas where pre-established provincial policy is lacking (e.g. high-density residential development), the Board's decisions have served to become provincial policy, rather than simply to elaborate such policy. Similarly, the Board's frequent position that stated policies in provincially-approved official plans do not constitute firm guides for its own decisions on zoning matters, has effectively placed much of the responsibility for setting municipal development policy directly in the Board's hands, and out of the hands of the Minister responsible for the approval of official plan policy statements. ()

The O.M.B. does, of course, adhere to stated provincial policy determinations when these are available, and in recent years

() In this connection for example, there is little doubt that it is now effective public policy that multiple housing will not be permitted at locations where there is significant opposition from nearby residents, though the provincial government has at no time made any formal policy decision.

at least some of its decisions have been made on this basis. () Nevertheless, the rather anomalous situation in which the Board "elaborates" provincial policy (in approved official plan statements) through zoning decisions which yield significantly different results, arises in large part from the fact that its main role in municipal planning matters has come increasingly to be seen as providing a form of guardianship for "citizen" interests. This position has been stressed repeatedly by the Board itself (and by many newspapers); though the Board is usually charged with the task of deciding between two essentially different points of

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- () The relatively few examples include recent O.M.B. decisions in Burlington and Caledon East involving specific T.C.R. policies, and general support by the Board of the provincial policy on urban development in rural areas. Conversely, the Board's actions on Metropolitan Toronto's applications for approval of the eastern extension to the Gardiner Expressway and the police communications tower do not appear to conform to explicit provincial government actions in each case. It is also interesting to speculate on what the Board's position might have been had it been confronted with the government's abortive proposal to establish multiple housing on the unfinished Spadina Expressway right-of-way.

view (the "adversary" process which formally characterizes the Board's hearings), it has in fact come to act and to be popularly recognized as a kind of ombudsman for one of these two viewpoints, that of the affected residents.

Later in this review, recommendations are offered for the establishment of suitable mechanisms for securing essential citizen rights in matters affecting them, and the broader question as well of facilitating citizen participation in the planning and decision process. There is little doubt that the "ombudsman" function is an essential part of this process. But the mixing of two significantly different functions - protection of the rights and interests of affected residents, and elaboration of government policy through the adjudication of conflicting viewpoints - in one and the same process, the O.M.B. hearing, should not be accepted as a continuing feature of the municipal planning process in Ontario.

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- () An important aspect of the Board's concentration on an "ombudsman" role is that unless there are objections to a municipal development decision it almost always receives approval as a matter of course. An overlooked consequence, as the streets of most of the province's cities reveal, is the number of unfortunate, if not outright "bad", developments which have proceeded simply because no one opposed them and they were therefore not reviewed by the Board. If, as the Board has frequently stated, one of its objectives is to secure "good" planning, the present system does not always contribute to such a result.

*Recommendation to
provide a
separate unit
for development
control by
the planning
department*

There is no doubt that citizen rights have been, by and large, effectively protected by the Board and this is clearly to the good. The other side of this particular ledger includes an increasing tendency to pass off, to this singular administrative tribunal, a large part of the essential policy-making responsibility which should properly be discharged by those elected, at both local and provincial levels, to make such policies. Such other consequences as the effective drying up of an important part of the housing stock, and a virtual paralysis in some areas of municipal decision-making (e.g. Metro Toronto's seeming inability to act on the Spadina rapid transit line) may be seen as important but almost incidental by-products of this process.

Some conclusions can be drawn. First the proper route for citizen participation in municipal planning should not have to be through a provincially appointed tribunal. Citizen participation in policy making should be through proper policy-making channels, that is to say, political. At the municipal level this can take various routes to the ultimate location, the municipal council: at the provincial level this must ultimately mean the responsible Minister. The ombudsman's role is important, as is that of the advocate planner and the community lawyer. But the main concerns in zoning decisions, i.e. that they do conform to stated public policy (the official plan), and that they

properly attend to the rights and interests of affected residents - should in the final analysis be matters for political decision. It is for the municipal council to actually decide on zoning and other planning issues. It is the Minister to whom appeals should be addressed.

Second, a more suitable form of public enquiry is desirable, for the purposes of appeals. For the Minister to decide, he must have suitable information. This comes to him, in part, from his own staff - does the proposal conform to the official plan, to stated government policy? This comes to him in part from the advocates, and from the ombudsman - are the rights of interests of affected residents suitably secured? And it should also come to him, in part, from the kind of objective judgments which, where contentious issues are involved, can be rendered most effectively by independent hearing officers.

There are two essential differences between the Board-type hearings conducted in Ontario and the Inspector-type hearings of the United Kingdom and some other countries. One is the ability, within an adversary-type proceeding, for the hearing officer to secure competent independent technical evaluation. The lack of such a contribution has frequently been evident in O.M.B. hearings, where the Board has to depend on conflicting technical evaluations commissioned by and presented on behalf

of the competing parties. Truly independent technical or professional review is an important element in the British type of hearing.

The second main difference is possibly even more important. In Ontario, the Board not only listens and evaluates, it also decides. In the British hearing system the Inspector listens, evaluates and recommends, but it is the Minister who decides. Policy is made, in effect, by those elected to make policy.

It is concluded in this report that legislative changes should be initiated concerning the approval of zoning bylaws and various types of planning appeals by a properly accountable body. Legislative changes are also in order concerning the statutory status of provincial policy decisions, and with respect to the delegation of decision-making authority to the political bodies which are located closest to the people affected by such decisions and hence most directly accountable for the consequences of the decisions. In all of these suggestions there is one prevailing notion: policy making is the direct responsibility of those elected to make policy. The corollary proposition is that an appointive body such as the Ontario Municipal Board should not be assigned nor should it have to assume a policy-making function. The Board's function to decide on appeals on planning matters should be vested in the Minister, who should utilize an inspector system, following the British model, to elicit the facts. The Board's ombudsman role should

be assigned to a body specifically established to safeguard citizens rights in planning matters. This latter proposal is explored more fully in a later chapter.

It is therefore recommended that:

- THE RESPONSIBILITY FOR APPROVING ZONING BY-LAWS AND DECIDING ON PLANNING APPEALS (OFFICIAL PLANS, SUBDIVISIONS, SEVERANCES, ETC) SHOULD BE VESTED WITH THE PROPERLY ACCOUNTABLE POLICY MAKING BODY: IN THE FIRST INSTANCE THE PROVINCIAL MINISTER CONCERNED, AND THROUGH HIM THE DELEGATED LOCAL COUNCIL EXERCISING RELEVANT JURISDICTION!

- TO ENSURE THAT MUNICIPAL PLANNING DECISIONS CONFORM TO STATED GOVERNMENT POLICIES AND THAT THEY ATTEND PROPERLY TO THE RIGHTS AND INTERESTS OF AFFECTED PERSONS. THE ONTARIO MUNICIPAL BOARD'S PRESENT JURISDICTION OVER ZONING BY-LAWS AND PLANNING APPEALS SHOULD BE ABOLISHED AND REPLACED WITH AND APPEAL AND ENQUIRY SYSTEM PROVIDING THE FOLLOWING:

- VESTING WITH THE RESPONSIBLE MINISTER THE RIGHT TO DECIDE ON ALL APPEALS FROM MUNICIPAL PLANNING DECISIONS, AND ESTABLISHMENT OF STATUTORY PROCEDURES FOR APPEAL TO THE CABINET FROM PROVINCIAL PLANNING DECISIONS.
- COMPLETE MINISTERIAL JURISDICTION ON THE REFERENCE OF APPEALS TO FORMAL ENQUIRY, WITHIN THE TERMS OF AN ESTABLISHED STATUTORY PROCEDURE.

ESTABLISHMENT OF A FORMAL "OMBUDSMAN" AGENCY TO CARRY OUT INVESTIGATIONS AND MAKE RECOMMENDATIONS TO THE MINISTER RESPECTING THE RIGHTS OF PERSONS AFFECTED BY SPECIFIC PLANNING DECISIONS.

3.2 EXTENDING GOOD MUNICIPAL PLANNING

The first section of this Review revealed that municipal planning is very uneven in its geographic coverage and in its quality throughout the municipalities across the province. Section II postulated the extension of good municipal planning over the whole of Ontario as a realistic objective for the next decade.

What constitutes good municipal planning? Obviously, different things for different people, but many might agree that it at least comprises plans and processes which are clear, comprehensive, and responsive to the requirements, opportunities, constraints, and desires of an area and its people. Adequate tools, useful research, up-to-date techniques, broad consultation, imaginative thought and sound decisions are among the more evident components. If the above, or something close to it, will suffice as a planner's Promised Land, how is Jordan to be crossed? (or perhaps more a propos, how should we plan for the crossing of Jordan?).

This chapter discusses the possibilities under four different headings; first by strengthening the working tools available to the participants in the process, secondly through the creation of proper municipal planning jurisdictions, and thirdly by improving the technical quality of the product. The fourth aspect of the discussion is directed toward making planning as a much more integrated part of the total municipal management process.

3.2.1 Improving the Planning Act and Related Procedures

The Planning Act provides the statutory framework for municipal plan making and processing in Ontario. Although regional government legislation such as the Metro Toronto Act and the Regional Municipality of York Act, and some private legislation such as the Town of Burlington Act 1971 also deal with planning organization, administration or implementation, these statutes assume the existence of, and are mounted on the provisions of the Planning Act.

In Section I of this Review, the Planning Act and its uses over the past twenty-five years were examined. Although the Act is clear, comprehensive, and adaptable for most municipal planning purposes, a number of important deficiencies are evident. Similarly, the evaluation of the products of municipal plan making and processing revealed certain inadequacies and some apparent misdirection in the provincial policies and regulations applied pursuant to the Act. In framing responses to the new opportunities and problems of the next decade, the obvious place of beginning is in rectifying the deficiencies within and emanating from the basic enabling legislation.

a. Municipal Plan Makers

Although the present Planning Act provides for adoption of a plan by the municipal council, the actual preparation of the plan is assigned to the planning board. It will be recalled that all board members must be appointed by council, but

~~members of council cannot constitute a majority of the~~
~~board.~~ Furthermore, a two-thirds majority of council is
necessary to over-ride a negative planning board
recommendation on an official plan amendment initiated
by Council.

This partial separation of the municipal council from the
business of plan making is out of step with the regional
government legislation, which properly assigns plan preparation
to the council, which is the body that comes closest to
fairly representing the inhabitants, and which is responsible
for the results. As competent professional staff in adequate
numbers become increasingly available, there will be less and
less that the citizen appointees (except for rare individuals
of special qualities) can contribute to the technical side.
It is equally plain that few such appointees could, or would
claim to represent, in themselves, a significant component
of what is coming to be accepted as citizen participation in
municipal planning. All of the necessary political input can
and should come from the elected council. What remains then,
of the citizen appointee's role?

This final section will contain a number of recommendations
intending to lay forever at rest the curiously persistent
notion that politics should be kept out of planning. Is
there any activity of local government more politicized than

the planning process today? The first of such recommendations then will be that the Planning Act be amended to assign plan preparation to the municipal council. Councils should of course, be at liberty to establish advisory planning committees on municipal-wide, community or neighbourhood bases, for continuing or special purposes, to suit the needs of the particular municipality from time to time. These need receive no recognition in the Act nor should the legislation assign to them any specific functions or approval powers.

The only exception to this will be the joint planning boards, which obviously will be necessary as long as joint planning areas are desirable. ()

However, it is recommended that the membership of joint planning boards should be drawn from the constituent municipal councils. Ministerial approval of joint board memberships should not be required, and ministerial intervention in this area should be limited only to arbitrating differences, and appointing members from territories without municipal organization.

() As is discussed in the next chapter, however, it is expected that the local government reorganization program will eliminate the need for joint planning areas, in time.

There seems to be little need for the Minister to name a "Designated Municipality" in a joint planning area. Any municipal council within the planning area should be empowered to adopt a plan, and should be empowered to appeal to the Minister the failure of another constituent council to do so. Councils should be able to over-ride joint planning boards (and other planning boards where they persist) by a simple majority. Adequate avenues of appeal for dissatisfied parties, whether corporate or individual, are and will continue to be an established part of the total process.

The assignment of the planning function directly to the municipal council is regarded as one of the single most important steps toward improving both the quantity and quality of municipal planning in Ontario throughout the next decade. This measure will surely reduce the occasions where councils, either consciously or unconsciously, evade their responsibilities in the planning field.

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- () As most recently exemplified by the Toronto City Council during the OMB hearings on Metro Centre. Unhappy with the planning staff recommendations on the project, Council took the position that they were planning board, rather than city staff. The City thus contrived to appear doubly fatuous, first for basing its stance on such an important issue on so narrow a legal point, and secondly for implying that, had they been genuine city employees, Council would have been bound (or at least more inclined), to take the planners' advice.

b. Municipal Plans

Under the present Planning Act, the official plan has always been the basic instrument for municipal planning, and the context within which various powers to initiate and control development are exercised by municipalities. However, it is now almost platitudinous to describe planning as a process. Not only do perceptions and the ordering of values shift from time to time, but as strategies are executed and new constraints emerge, planning goals themselves require refinement or redefinition. Is there any purpose then, in retaining in the planning enabling legislation the notion that there should be a plan which is a written, public document?

Although it will be recommended here that the definition of what constitutes a plan should be revised, this Review unreservedly endorses the concept of the plan document. The reasons are thought to be significant ones.

First, while experience has demonstrated that documentary plans may be of high or low quality and may be extremely productive or even counter-productive, it is felt that the requirement that a written document be prepared imposes a discipline on the actors in the planning process. The plan comprising a statement of goals and strategies will be open to public scrutiny and criticism. Under these circumstances it seems more likely that the planning process will perform at a higher degree of effectiveness than if no such discipline was provided.

Second, a requirement that the plan be in documentary form conveys the notion that any revision or modification of the plan will be effected by a revision or modification of the document itself. This provides everyone (or at least everyone who takes the trouble to understand the process) with some measure of certainty. The plan is not like a straw carried by the wind. It is a formal document which can be changed only if a formal amendment is made to it.

On the other hand, it is important that an efficient method of modifying a plan be available. While a totally flexible plan is a contradiction in terms, a totally rigid plan likely will produce as many or more harmful effects than good. As always, the problem is to build into the plan and process enough stability to encourage reliance on the plan and public confidence in the process, while retaining sufficient flexibility to permit desirable amendments to be made relatively efficiently.

The preparation, adoption and submission for ministerial approval of official plans has not been made generally mandatory, under the Planning Act. Rather, the government is pursuing a policy of gradually imposing mandatory plan making within specified time limits where conditions conducive to good planning have been established. To date, mandatory planning has

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been a feature only of recent regional government legislation which in most cases to date has established reasonable if not perfect geographic parameters for municipal planning, and even more important, has created strong municipal governments with resources (sometimes underpinned with provincial financial support) to mount a solid plan making effort, and sustain it.

This policy should be continued. There really is no point in requiring a lot of soon-to-be-superceded plan-making in jurisdictions inadequately sized or structured for the purpose, or in municipalities incapable of producing a good job or maintaining the necessary administrative establishment for proper implementation. In this respect, the options are not really very different than they were twenty-five years ago, except that now, conditions suitable for good planning are very much in sight.

() It will be recalled that some amendments will be required to the earlier regional government legislation. Under the Acts pertaining to Regional Ottawa-Carleton and Regional Niagara, plan making and adoption is mandatory, but not submission to the Minister. Under the Metro Toronto Act, plan making is assumed, but not specifically made mandatory, nor, of course, is submission for Ministerial approval.

In this regard the only policy change recommended is that where planning is made mandatory, periodic comprehensive review should also be made mandatory. Without any strong feelings in the matter, five years is suggested as a reasonable interval between reviews.

Of course, there are inherent dangers in the concept of periodic comprehensive reviews. There is the possibility that review as a continuous process will be lost sight of during the intervening four years, and (sceptics might suggest the probability) that in the fifth year everything important will stop while the review is in progress.

The reader is reminded that, under the present Planning Act, an official plan is defined as

"1.(h) a program and policy, or any part thereof, covering a planning area or any part thereof, designed to secure the health, safety, convenience or welfare of the inhabitants of the area, and consisting of the texts and maps describing such program and policy approved by the Minister from time to time as approved in this Act."

This definition is obviously broad enough to accommodate a whole variety of plans, a document providing a crude distribution of land uses lies within it, as does a sophisticated instrument containing a plan and program with economic and social as well as the usual physical dimensions and components.

It is recommended that the definition be amended to make reference to social and economic content, as a means of encouraging development in these spheres in conjunction with the physical side which has dominated municipal planning for the past quarter century. Anticipating the possible application of new systems analysis techniques, reference should also be made to the integration of physical, social and economic planning with municipal budgeting. More will be said on this point later.

Furthermore, custom and many other parts of the Act, although not the legislation definition, assume or imply that the central purpose of municipal planning is the accommodation of urban growth. () This lags behind the growing professional and public recognition that is the management and accommodation of urban and rural change and not merely urban growth which is the central problem.

For example, it is appreciated now that the Metropolitan Plan, 1966 is very detailed in its land use provisions and yet contains few statements of economic and social goals and strategies for achieving them. It neither establishes a housing policy for the

() Resort development being regarded more or less as a seasonal mutation of urban growth.

planning area, nor does it enunciate policies and strategies for improving the economic and social fabric of Metropolitan Toronto. In focussing principally on land use distribution, transportation and servicing considerations, it tacitly identifies the central planning problem as that of how to accommodate growth.

The Metropolitan Toronto Planning Board is currently engaged in a major review of the Metropolitan Plan, 1966 (which, but for the fact that it has not been approved under the Planning Act, fits the definition of an "official plan") with the prospect of effecting a major change in the concept, function and content of the Plan itself. The redesigned plan likely will be a general structure plan focussing on policies, strategies, and setting time targets for achieving goals to accommodate the problem of change, rather than primarily focussing on land use distribution.

Once again, it is recommended that the legislative definition be expanded to embrace that concept. It is true that other means, such as ministerial circulars etc. (of which more later) could be utilized to convey government policy in these respects, and these may be an understandable reluctance to clutter a broad definition with specifics. On the other hand, new dimensions to the municipal planning process are so patently necessary and important for the future that it is felt that clear legislative direction is warranted.

There is now widespread recognition throughout the larger municipalities in Ontario and elsewhere () that the problem of change can be confronted at the local level by a set of plans, each with specialized functions, rather than by a single omnibus document. As early as 1957, the Scarborough Official Plan envisaged a series of plans, each a successively more detailed step in the planning process, not all of which required ministerial approval. The so called "secondary plans" are now in wide use, and a new departure is being tried in Windsor, where such plans are not to be "official" (i.e. requiring ministerial approval). The City of Toronto has moved to a two level system of plans comprising a "Structure Plan" (or Part I Plan) covering the entire city, and "District Plans" (or Part II Plans) covering sections of the city in more detail, but within the frame of the overall plan. Etobicoke and North York are moving toward a series of District Plans within the context of the Metropolitan Plan, having evidently abandoned (mercifully) the notion of overall plans for each Borough.

These developments in the major urban centres of the province reflect shifts in planning philosophy and in the perception of municipal planners and politicians of the potential for

() See for example The Town and Country Planning Act 1968, Eliz. II, c. and the City of Winnipeg Act 1971, S.M. 1971, c.105.

comprehensive planning at the local level. These shifts parallel in significance the recent emergence and steady evolution of comprehensive planning as a function of the provincial administration, described in the preceding chapters. Clearly, the general planning enabling statute should not only accommodate these shifts, but should promote them if the advantages of comprehensive physical, social and economic planning at all levels are to be achieved in the coming decade.

To this end, it is recommended that the Planning Act be amended to recognize and define three levels of plans, corresponding in descending hierarchy to the limits of provincial interest, regional interest, and local interest.

Specifically, the three levels of plans should include:

<u>Provincial Plans</u>	(i.e. provincially prepared plans for the five provincial planning regions).
<u>Municipal Structure Plans</u>	(i.e. equivalent to the overall Official Plans, or the so-called Primary, Part I, or Policy Plans, prepared for the regional municipalities)

()
 Municipal District Plans (i.e. equivalent to the Part II Guidelines or Secondary Plans, prepared for parts of large unitary municipalities or for all or parts of lower tier municipalities in two level circumstances).

The Planning Act should specify that District Plans must conform to Structure Plans, and Structure Plans must conform to Provincial Plans.

The statutory definition of the Municipal Structure Plan should make clear that the plan will be concerned with the identification of issues, expressions of goals, and elaborations of strategies to achieve macro-environmental objectives. In addition to land uses, the plan content should include transportation, servicing, housing, economic, and social components. The plan should show a sequence of municipal actions to cope with development, change, and preservation, and should constitute the municipality's commitment to those actions.

() The names attached to the various types of plans are not put forward with any conviction that they are the best choices. Whatever the choice, it is suggested that the term "official plan" should be abandoned.

Municipal structure plans and amendments should require the Minister's approval, since they will embrace matters of provincial as well as municipal concern. However, a provincially approved Structure Plan should be binding on the province as well as the municipality until amended by due process. Conversely, the Minister should be empowered to initiate such amendments.

The Planning Act should require that Structure Plans set out a framework for District Plans, and require that District Plans be prepared parallel with the sequence of action outlined in the Structure Plan. While the District Plan contents should include the same components as Structure Plans, the legislative definition should make clear that the focus is on micro-environmental issues.

District Plans should require only the approval of the municipal council (including the upper tier council in a two level situation) and the provisions of approved District Plans should be binding on municipal councils at both levels as well as on all local boards and commissions, specifically including Boards of Education and Separate School Boards.

Where an amendment to a District Plan is such that an amendment to the Structure Plan is necessary, the approval of the District Plan amendment should not, in itself be deemed to constitute an amendment to the Structure Plan. Although there is no reason why in the interests of efficiency, the two could not be processed

virtually concurrently, the two would have to be dealt with separately, and the Structure Plan amendment will necessarily precede since it will require ministerial approval.

For administrative simplicity, and public comprehension generally, the Planning Act should recognize and accord official status to these three levels of plans, and these three only. Thus, for example, given an approved Metro Toronto Structure Plan, and the three approved District Plans (Nos. 7, 8 and 9) in Etobicoke, there is no need for an Etobicoke Structure Plan as well, and none should be recognized in an official sense in the Planning Act. In other words, documents like the present overall Etobicoke Official Plan ^() should be repealed when the Metro Structure Plan and the Etobicoke District Plans have achieved a proper footing.

This will not, of course, preclude a lower tier municipality which embraces more than one District Plan from combining several or all within its boundaries for any municipal planning purposes or processes. Similarly, any municipality may choose to divide District Plans into parts (e.g. 9A, 9B, 9C etc. in Etobicoke, or Steeles, L'Amoreaux, Tam O'Shanter etc. in

() Persons familiar with that document would doubtless agree that no great loss would be involved.

Scarborough) for convenience in initiating and implementing local action plans of various kinds (sometimes called "tertiary plans"). The point is that no such divisions or combinations should be given the kind of status which might add to the series of steps necessary in any formal amendment process.

All of the above are recommended as legislative changes to be incorporated into the Planning Act. In addition, there are a number of provincial policies with respect to municipal plans which should be communicated to municipalities, preferably in the form of a Municipal Plans Manual, issued as a ministerial circular.
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The policy directives enunciated with respect to municipal plans of various kinds should emphasize the following major points. Some of these reinforce existing policies and practices, while others involve new positions on aspects of plan preparation and administration which were found to be the target of recurring criticism during the conduct of this Review.

() At this writing a draft outline for such a manual prepared by Paul M.L.Bruer, is being circulated for professional comment by the Plans Administration Branch. The use of ministerial circulars is discussed in a subsequent chapter.

Firstly, in recognition of the continuous change in the values, tastes and technology of contemporary society, municipal plans should be aimed toward five and ten year objectives, instead of the fifteen to twenty year periods traditional in plan preparation. ✓

Secondly, so that readers will not be misled, municipal plans should eschew objectives which are beyond the municipality's powers or means to achieve, however lofty or pious such objectives may appear in print. In particular, plans should avoid assertions that private sector actors will be "encouraged" in various motherhood-type directions unless it can be stated in specific language just how this will be done.

Thirdly, it should be made clear that, although a number of physical, social and economic objectives are part of a municipal plan, some manifestation of every one of those objectives need not be found in each public or private action which occurs.

Fourthly, although municipal budgets need not be part of a formal plan, supporting data should be available to show that the financial validity of the proposals has been tested, by weighing estimated capital and operating costs against anticipated revenues over the period covered by the plan. ()

() Planning capability in this field will undoubtedly depend on the further evolution and wider use of computer assisted simulations, and the development of reliable criteria for evaluation purposes.

Fifthly, guidelines as to the use of powers additional to those assigned to the municipality under the Planning Act should be included in municipal plans, particularly with respect to the social and economic objectives contained therein.

Sixthly, amendment applications within areas of stability designated on Municipal Structure Plans should be entertained only in exceptionable circumstances between comprehensive plan reviews.

Finally, in elaborating on the content and form of municipal plans of various kinds, provincial policy must pursue the elusive balance between specifics (in order to provide clear guidelines) and generalities (in order to safeguard flexibility in administration). The employment of municipal plans, either Structure Plans or District Plans, as development control devices, through the uses of narrow land use category definitions, rigid interpretations etc., should be expressly forbidden.

c. Municipal Plan Implementation

Having suggested changes to the Planning Act dealing with municipal plan makers and municipal plans, attention can now be directed toward recommendations with respect to subdivision control, zoning and zoning adjustments, renewal programs, plus a number of new powers whereby municipal plans can be implemented

under the Planning Act. Before dealing specifically with each of these, five matters of concern to all should be touched on at this point. These are: application fees, notice of applications, the approving body, machinery for appeal of decisions, and annual reports. Rectifying the present vagaries as to notice, and new avenues of appeal of decisions will be the subjects of later chapters. For reasons discussed below under the heading of "Vertical Jurisdictions", where certain criteria as to planning capability have been met, the municipal Council is recommended as the deciding body in all matters save for amendments to Municipal Structure Plans, in which instance the necessity of ministerial approval should be retained.

Although provincial withdrawal from day to day involvement in municipal planning is one of the consistent themes underlying the recommendations contained herein, this should not imply provincial abandonment of any concern for the workings of the system or its results. It is recommended elsewhere that the Minister be empowered to issue regulations pursuant to the Act, and these should include a requirement that municipal councils (and secretaries of planning boards as long as they exist) file annual reports (along the same lines as the clerks' annual returns) including among other things, the number of applications of various kinds submitted and approved, consents granted, plans registered

etc. These reports would be two-fold in purpose; for provincial planning and statistical use, and for monitoring the municipal planning process.

This leaves the matter of application fees which, curiously enough, are fixed by statute only for Committee of Adjustment applications. For the rest, municipalities have been left to their own discretion with the result that a wide variety of fee schedules is in use. Most charges are reasonable, intended to offset to some degree the municipality's processing costs, and at the same time to discourage frivolous submissions. Good judgment in such things is seldom universal however, as evidenced for example by Markham's obvious confusion between freedom and license in the matter of subdivision application fees.

It is recommended that, after a survey of the various municipal planning fee schedules in use throughout the province, the Minister should pronounce a maximum fee schedule covering applications of all kinds under the Planning Act. It seems unnecessary that this should be contained in the Act itself, and might better be set out in a ministerial circular.

(i) Subdivision Administration

Section I of this Review described a number of persistent problems with respect to consents (or land severances) and plans of subdivision.

It is recommended that Section 29 of the Planning Act be amended to restore consent administration to the mainstream of municipal planning and processing. The object is the administration of consents in the same way as subdivision plans, within policy lines stated in the Municipal Structure Plans. Circulation of applications for technical review should be limited to the municipal level, except where a senior level interest is obviously affected.

Approvals should be granted by the municipal council (or joint planning boards as long as is necessary) and not by committees of adjustment. County land division committees are regarded as an extension of an idea which was not well founded in the first place, and it is recommended that they be phased out.

It is not suggested that this step will remove or even improve the problem of bad decisions which so frequently characterize the administration of consents by any body. The purpose is to place the decision closest to the body most involved in the planning process, and most accountable for the results. Ministerial review of each consent should be replaced by perusal of the municipalities annual report, and a continuing sampling process by provincial staff. The Act should empower the Minister to relieve municipal councils of their authority over consents wherever consistent contravention of the consent

policies enunciated in the municipal structure plan is apparent irrespective of whether such contraventions appear to be deliberate or unwitting.

The second really fundamental problem which plagues consent administration is the entrepreneurial zeal which continually invents new devices or systems to beat the terms of the legislation. It should be plain by now that the Planning Act is not the place to thwart these efforts, since corrective amendments are inevitably in response to, rather than in anticipation of the latest conveyancing gimmicks.

What is necessary is a series of amendments to the acts which govern the registration of land in Ontario () prohibiting the registration of any new deed, long term lease etc. (not described in accordance with a plan which is "registered" for the purposes of Section 33 of the Planning Act) which does not bear the approval stamp of the appropriate consent administering body. This would end the horseplay once and for all. The prairie provinces have done it for years.

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- () The Land Titles Act.
 The Registry Act.
 The Certification of Titles Act.

Section I also pointed out the need for improvements in the administration of plans of subdivision. In the main these require changes in provincial and municipal policies and practices rather than amendments to Section 33 of the Planning Act. Simply stated, and without repeating all of the arguments, the latter includes only:

- empowering the Minister to designate municipalities where subdivision applications will be made to, approvals will be granted by, and conditions will be set by the municipal council. ()
- empowering municipalities to require park dedications up to 2½ acres per thousand of population to be housed in a development (but not less than 5% of the land within the development) or equivalent cash value in lieu.
- empowering municipalities to require payment of cash in lieu of a road widening (to facilitate taking all the necessary widening off the other side in order to preserve a line of trees, etc.)

() The conditions under which the Minister should delegate subdivision plan, and other approval powers, to municipalities are described in the succeeding chapter. These should apply as well to applications for approval under the Condominium Act.

- adding to the list of information to be submitted with a draft plan approval application, a description of the vegetation, and the location of significant trees (over 12" caliper) outside of woodlots.

Much more in the way of changes to procedures and practices appear to be desirable, in order to improve the quality of the community designs, hasten the approval process, and rationalize the financial and servicing requirements contained in subdivision agreements.

The establishment of larger municipalities, with better-trained planning staff, and available secondary plans and contour maps are significant municipal trends which are encouraging for better civic design. On the private side, the emergence of the very large land development companies with longer term concern for and commitment to a project area is resulting in a much greater care in the preparation of subdivision plan applications. It is thought that the province might lend support to the improvement of community design in two important ways:

- by completing the Subdivision Design Manual, which has been in process of preparation for the past six years. Initial dissemination of the work to municipal planning bodies should be via a series of workshops on subdivision design convened by the Subdivision Section

of the Plans Administration Branch, utilizing the talents of the Design Section, plus visiting critics if necessary, with the emphasis on visual aids and specific examples from contemporary applications illustrating what is good and what is poor, how improvements can be made, yields increased, servicing costs cut etc. This workshop series should be mounted as a serious and sustained effort, and should attempt to attract developers, builders, consulting planners, architects, engineers, surveyors, officers of lending institutions, lawyers in development work, citizens' groups and university and community college planning schools as well as municipal councillors, planning board members (where they continue) and municipal planning and engineering staff.

- providing, through the Plans Administration Branch, a number of scholarships for graduates from the design disciplines (architecture, landscape architecture, and civil engineering) to encourage post graduate study in planning programs with suitable civic design content. ()

() The land development industry (through the U.D.I.) might consider the same action.

Lodging the approval of subdivisions with municipal councils, in lieu of the Minister will shorten the subdivision processing time somewhat, as will the further delegation (effectively) of the provincial approval process to the P.A.B. field offices (as is now done in Thunder Bay) which will, of course be necessary until all municipal governments have attained an appropriate level of planning capability.

Although any improvement in the time required to process a subdivision plan is devoutly to be wished, it should be recognized that these steps will yield only fractional betterment. That is because relatively little of the present processing time is taken up by the activities of the Subdivision Section of the Plans Administration Branch. It will be recalled from the analysis in Section I that the length of time required results chiefly from three sources:

- the fact that many subdivision applications also involve amendments to official plans or zoning bylaws or both.
- slow responses from municipal and provincial departments, boards and commissions canvassed for comment in the circulation process.
- deliberate stalling by public bodies seeking to delay the development, for one reason or another, or to squeeze the applicant into agreeing to conditions not otherwise obtainable.
- Many applications are totally premature, in terms of the development sequence, and are undeserving of municipality's consideration, let alone prompt attention.

Further in these pages, procedural changes will be recommended dealing with notice of applications for and hearings on subdivision plans (and other planner matters), intended to ensure that all persons affected by the process will be afforded adequate opportunity to participate in it. Without the slightest doubt, these will add to the time required to process most, if not all subdivision plans, but the conviction is strong that this cost should and must be borne in order to rectify a serious deficiency in the present system.

With this consequence unhappily in mind, it seems all the more essential that the problem of time be faced squarely, and that stringent measures be initiated to reduce the delays so prevalent at other points in the application process. Accordingly, it is recommended that the following procedures be set down in a ministerial regulation issued pursuant to the Planning Act.

- Where a subdivision application involves an amendment to a District Plan or to a zoning bylaw or both, all of the applications must be dealt with concurrently, () and at the same set of hearings. (Where an amendment to a Minicipal Structure Plan is involved, it

() The continuing trend toward reasonably flexible District Plans should gradually reduce the number of occasions when amendments to them will be necessary. Elimination of the O.M.B. from the zoning process will also assist to some extent, and the institution of the new system of development control (discussed below) will remove rezonings from the subdivision approval process altogether in most cases.

will continue to be necessary to deal with this first and separately, since ministerial approval will be required).

Where a subdivision application falls within an area designated for current development in a Municipal Structure Plan (or, pending the existence of a plan of that calibre, in an actively developing area of a municipality) the process should follow a time table (cumulative) along these lines:

- | | |
|------------------------|--|
| <u>Within 14 days</u> | <ul style="list-style-type: none"> - Notice of receipt to applicant. - Notice to persons affected. - Circulation to municipal and provincial agencies affected. () |
| <u>Within 3 months</u> | <ul style="list-style-type: none"> - Return of all departmental comments. |
| <u>Within 4 months</u> | <ul style="list-style-type: none"> - Public hearing before Council. |
| <u>Within 6 months</u> | <ul style="list-style-type: none"> - Decision by Council one way () or another. |

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- () The Plans Administration Branch should continue to coordinate the comments of all provincial agencies even though the system is changed so that final approval is granted by the municipality.
- () New appeal procedures are discussed in a subsequent chapter.

Whatever precise division points are decided upon, the objective should be draft approvals in active development areas within six months.

Is such a timetable really practical? What would happen if the municipality failed to act on time? Suppose the applicant stalls? What if a legitimate reason comes up which precludes meeting the deadline?

A timetable for draft plan approvals is practical only if staff is made available, especially in the agencies called upon for comments. Those who do not reply on time should be ignored, and missing a deadline should not be accepted (except in unusual circumstances) as a valid reason for later appeal. If the applicant stalls, the process can simply grind on without him. Deferral beyond the six month deadline should only be possible where both the applicant and the municipality agree.

If the municipality fails to act within the time limit, the application should automatically revert to the Minister who (following an enquiry by an inspector, as described above) should be required to decide within a further three months subject to his own set of conditions. The Minister's decision would not, of course, be subject to appeal.

What happens in cases where Minister is still approving?

The Minister should be empowered to relieve continually tardy municipalities of their subdivision approval powers.

With the public sector under the gun in the draft approval stage, the private sector should be willing to show equal alacrity in the registration phase, where the initiative rests mainly with the applicant. It is recommended that the timetable from the date of draft approval should follow along these lines:

Within 4 months

- First submission of engineering plans for initial stage to be developed.

Within 5 months

- Replies to first engineering submission by all public bodies.

Within 6 months

- Signing of the subdivision () agreement.

A standard condition of all subdivision agreements should call for registration of the plan for the lands covered by the agreement within a further three months. Unless the municipality

() The new appeal procedures would also include appeals against conditions imposed in such agreements.

Need to emphasize in text that govt must realize more staff must be provided in various departments

*What happens if detail drawings not submitted?
- municipality stalls & c*

has agreed to extend the deadline, a developer's failure to meet it should result in a lapse of the agreement, and with it a lapse of the draft approval.

Such a schedule will put considerable pressure on the developer and his agents, but they are the ones who inveigh most strenuously against delay. The tight deadline should encourage applicants to be better prepared in their submissions. It should also help to weed out the more incompetent developers and consultants, and may discourage the practice of securing a draft approval simply to enhance the price of a property which is to be peddled.

Will this uncharacteristic pace result in poorer plans?

(After all, much has been said in this review about the need to improve quality of community design). On some occasions, perhaps, but these should be rare. More care in preparing an application which must withstand a stiff test of time (or be rejected) is certain to result. Besides the mere passage of time should not be equated with thorough review. When an application sits on someone's over-loaded desk for four weeks, it is not being carefully considered during that period. In the end, it will get only the 1-2 days' attention it requires. An application which misses an agenda merely sits in the file until the next meeting, it does not improve in the interim.

The purpose of the schedule is to cut out such unproductive time consumption.

It will continue to be the general rule that poorer plans , where they occur, are the result of deficient capabilities among the actors in the process, not of the time they take. Means of improving municipal planning capability is the subject of a succeeding section.

It is the firm belief here that, despite the obvious difficulties in its initiation, a time schedule should be tried as a part of the subdivision approval process. For twenty-five years, nothing important has been done to speed its workings, and in consequence the process has gradually become more and more extended. Now, with the prospect of intensified involvement by new participants, continued apathy toward the vital problem of time should no longer be tolerated by the government.

Subdivision agreements demonstrate, perhaps as well as anything can, the need for central policy direction where administration is decentralized (as it emphatically should continue to be in this case). Although the developing municipalities have by now evolved quite effective practices for regulating the installation of services and the payment of levies, they have seldom evidenced parallel attention, or even perfunctory concern,

for the impact on new housing costs. Thus Scarborough, with commendable motives, reduced its lot frontage requirements for the first time in twenty years, in order to assist the lowering of building lot costs. Within the space of a month, however, the Borough coolly raised its sewer levies by 25%, as if there was no relationship.

in early 3/11
In Part I of this review, mention was made of a provincially-sponsored study currently underway concerning subdivision agreement provisions and engineering standards in use throughout Ontario. Hopefully, that study will form the basis of a policy statement, in the form of a regulation issued pursuant to the Act, which will include, among other things, the following:

- A basic list of services and conditions for urban and for rural and resort rural municipalities, which the Minister will require whenever subdivisions plans are referred to him by reason of municipal failure to act, or on appeal. The engineering standards that will be applied should be attached.

- Although either regional or local municipalities should be empowered to require subdivision agreements in two tier situations, only one should be permitted on any one property. As a general rule, subdivision agreements should be administered as locally as municipal engineering capability permits. However,

region would be gate subject to conditions

the conditions of subdivision agreements, engineering standards and levies should have to be consistent within any regional or metropolitan municipality, whether single or double tier.

- Levies should be permitted only for works actually specified in a subdivision agreement, and these works should be directly related to the development in some readily discernible way. Levies for "general purposes" should be specifically proscribed.
- Provincial standards should also be set for school site sizes, public and separate, for schools at various levels, replacing the vagaries of the present situation.

Reducing delays, and placing limitations on unwarranted requirements will contribute significantly to the lowering of costs () for serviced land for all purposes. Such an objective would seem to be incontestably worthwhile. This will not be so, however and the steps recommended here, it must be frankly conceded, are not likely to attract support in many influential quarters. Among the municipally elected and appointed, the perplexing

() Other measures, aimed at housing lot costs, are discussed in a subsequent chapter.

notion persists that higher standards, however needless they may be, are somehow a mark of distinction and a sign of good government. Among municipal electorates, the root cause is more difficult to identify. Perhaps it is a too deeply ingrained concept of "the chosen few", ever one of the less becoming legacies of the Judeo-Christian heritage. In any event, it is plain that newcomers are always required to pay their way in, and dearly.

(ii) Development Control

Subdivision control discussed above is of maximum utility in dealing with urbanizing land on the perimeter of urban centres, and in controlling sprawl. The subdivision of land is an integral part of the urbanization process. Financing of construction frequently is secured by mortgages on blocks or lots of the parcel being urbanized. By the same token, marketing of developed land frequently requires subdivision of a large parcel of single ownership into blocks or lots to be conveyed or leased to separate individuals.

However, development often occurs in situations where the land will not be subdivided either for financing or marketing purposes. This is in fact usually the case in central cities where, if anything, land is assembled rather than divided for development. There, the system of subdivision control is immaterial. The

Planning Act, 1946, made no reference to the control of development in these circumstances. Municipalities were left to regulate it by exercising their power to enact restricted area (or zoning) bylaws. In hindsight, it is almost astonishing that in 1946, when the power to control land subdivision was being improved, the opportunity was not taken to establish a comprehensive system of development control.

Release from subdivision control requires a case by case consideration of the application in respect of a particular parcel of land, by the Minister and those whom he consults. A land subdivision caught by the control mechanism cannot take place until it has been officially approved. In theory, zoning bylaws should establish regulations and standards for substantial zones or districts, to be self-applying in the sense that the affected owner may perform any activity or undertake any development on his land which is in conformity with the bylaw. Official approval of his proposed activity or development, if permitted by the zoning bylaw, is not required as a condition precedent, although of course, ordinarily he will require a building permit officially approving his proposed scheme for building code purposes.

In theory, then, there is a sharp difference between the individualized approval of a plan of subdivision as a control requirement, and a regulatory zoning bylaw. In practice, of course, zoning is widely used to achieve individualized development control in various ingenious () ways, and with untoward results discussed in Part I.

Whatever technique is used the necessary first step is to effect at least a partial freeze on development decisions by landowners, and to require them to apply for official approval of their development as a condition precedent to undertaking it. Approval is granted at least in part by the exercise of the zoning power.

The legal and practical defects associated with each of the techniques to utilize zoning to achieve development control have been discussed earlier. Most important however, is the fact that the utilization of zoning as a development control device is not generally understood by the public. If a zoning bylaw is enacted or left in place to promote applications for amendments to it prior to development occurring in order to achieve development control, it may be understood by the

() Also documented in studies sponsored by the Ontario Law Reform Commission, initially directed by the late Professor J.B.Milner. These include site plan bylaws, and extra-legal conditional zoning and site plan agreements.

municipal council, its advisors, land developers and their advisors, but it is unlikely that the general public will comprehend. Such a bylaw clearly is a misleading instrument to the public; it does not mean what it appears to say.

For this reason, public confidence in the process has been seriously eroded and unnecessary confrontations between the public, developers and municipal councils actually have been promoted by the process.

It is against this background that several municipalities have sought and received private legislation strengthening their powers in this regard, and Professor Milner's studies of development control for the Ontario Law Reform Commission were undertaken. In its resultant "Report on Development Control", the Commission recommended that a thorough interdisciplinary review of the entire planning process be undertaken and that "no third level of development control should be introduced into the existing legislation until such time as the review () has been completed, and ... only if then found desirable.

As an interim measure the Commission recommended the enactment of amendments to the Planning Act to increase the powers of municipalities designated by the Minister to individualize development decisions.

() Report on Development Control, Ontario Law Reform Commission p.17 1971.

In fact, the legislative amendments proposed would make available to designated municipalities powers analogous to those available to the municipalities in respect of which private legislation has already been enacted. Some, but not all of the defects or limitations of zoning used to achieve development control would be removed. For example, agreements between the municipality and developer dealing with such matters as landscaping would be made valid and, if registered, binding on successors in title. Further, the site plan approval procedure would be validated as far as approval of plans showing the location of the buildings, structures and inter alia fencing, trees, and garbage storage are concerned. On the other hand, the proposed amendments do not speak to the question of architectural control or servicing requirements generally.

They appear to be less than satisfactory in other respects as well. First, there is no statutory requirement that a designated municipality must make development control decisions within the context of a formalized municipal plan which establishes a framework within which and criteria against which, decisions are to be made. Secondly, the proposals envision that bylaws enacted pursuant to the proposed development control powers would have to be approved by the Ontario Municipal Board. The Commission's proposals further suggest that an owner

aggrieved by a municipal decision on site plan approval should be given a right of appeal to the Ontario Municipal Board.

It is recommended here that the proposed powers be exercisable by designated municipalities only in respect of land within an "area of change" (as opposed to an "area of stability") defined in a Municipal Structure Plan which articulates the criteria against which individual decisions are to be made. Ministerial regulations should ensure that the latter includes the basic land use pattern and the maximum population and employment densities, and should also make it clear that development incentives (i.e. 'bonus' densities) should not exceed these maximums in aggregate.

Secondly, the Commission proposes that the designated municipalities exercise the proposed development control powers by bylaws which follow the same route as zoning bylaws (including OMB approval).

The current Planning Act makes no provision for public participation in the zoning process prior to the enactment of a bylaw and an application for Ontario Municipal Board approval. Although there is some judicial authority to the effect that where an amendment to a zoning bylaw is involved, a hearing must be held by the municipal council before the bylaw is

()
 enacted, if it is to be valid, there is no statutory requirement. Although most municipalities do hold such hearings, it is not impossible that the first notice received by an affected owner is that which announces council's attention to apply for OMB approval of a bylaw already passed by council. Judicial development apart, the silence of Section 35 of the Planning Act on the question of public participation in the municipal zoning decisional process is obviously unsatisfactory.

The Commission's proposed development control provisions would significantly extend the environmental management powers of municipalities. It seems patent that appropriate protective procedures available to affected persons should be built into the legislation at the same time.

Finally, and most significantly, the Commission's proposed legislation does not establish clear machinery to be utilized by designated municipalities desiring to exercise the proposed new powers. Any system of individualized development control requires a freezing of the owner's right to take development decisions without official approval. Under the proposed legislation, designated municipalities are left to establish the freeze by the enactment of a suitable zoning bylaw (for example, establishing holding zones) or by the retention of

() Wiswell v. The Metropolitan Corporation of Greater Winnipeg (1965) S.C.R. 512 and Re Anzil Construction Ltd. and West Gwillimbury (1971) 2 O.R. 713.

obsolete zoning bylaws. In other words, the proposed legislation, in failing to establish a clear technique for imposing a freeze, would simply continue the unfortunate situation that now exists, with the consequences referred to above.

The management of urban and rural change rather than growth, it has been suggested, was, is and will remain a major problem for municipal planning in the 1970's. It is essential that fair, effective and economical techniques of regulating private decision-making in the public interest be made available to municipalities.

It is therefore recommended that, in municipalities designated by the Minister, a new comprehensive system of development control should be made available for use in areas defined in a proper Municipal Structure Plan as areas of growth or change. Appropriate models can be found both in Great Britain () and in Manitoba (). In such areas, the council should be empowered to impose a statutory freeze on all development, which could be undertaken only after development permission was granted by council. The

() The Town and Country Planning Act, 1972 Eliz.II, c.

() The City of Winnipeg Act, S.M.1971, c.105, s.623 et seq.

*to show need for limits.
on what Council can do as for?*

permission could be conditional or unconditional, and of limited or unlimited duration. Development should be broadly defined to include not only construction and material change in the use of property, but also the demolition of buildings and structures, the alteration of natural features, and the removal of trees. Further, it should also include the establishment and the operation of pits and quarries. It follows that, where a municipality is designated for the exercise of development control, it should assure the administration of the Pits and Quarries Act 1971. Over time, the provincial Department of Mines will thus be phased out of a field which is of such paramount municipal concern.

The legislation, in the form of an amendment to the Planning Act, should require development control decisions to be made within the framework and against criteria set out in a Municipal Structure Plan. The Minister should be required to satisfy himself as to the quality of the Plan in this regard, and the availability of competent staff before making the designation order permitting the new system of development control to be exercised.

The new legislation should provide for public participation at all points in the process. Appeals from council's decision, or based on failure to comply with proper procedures should be heard by ministerial inspectors, as described above, and decided on by the Minister.

what
does it
mean

Under the proposed legislation, development permission by the municipality would be substituted for the current complex techniques which utilize the zoning power for this purpose. The process will undoubtedly be more efficient and yet at the same time fairer to all interested persons. Responsible municipal decision-making is a consistent theme in this review, and this will only be promoted by the removal of provincial control. Finally, and most important, the system would be simple and apparent to persons other than those familiar with it by experience. This should decrease the number of occasions on which counter-productive confrontations between members of the public, developers and municipal councils, occur.

(iii) Zoning AdministrationZoning Bylaws

Their imperfections in areas of change as development control devices should not obscure the utility of zoning bylaws for land use protection in areas of stability. This was the task for which zoning was devised in the first place.

It has been recommended earlier that, along with other planning matters, zoning bylaws and amendments be approved by municipal councils, without the need for confirmation of an overseeing agency. () Zoning epitomizes local interest, and therefore should be administered by lower tier municipalities wherever practicable.

For large urban units, there is much to commend Scarborough's system of community bylaws, tailored specifically to the needs and distinctions of each community, in place of a single omnibus document for the whole municipality. The latter kind are necessarily framed to meet more or less average circumstances, and therefore give inadequate coverage in special circumstances, or contain so many exceptions as to be incomprehensible or misleading to the general reader.

Only two other major changes are recommended to Section 35 of the Planning Act, which deals with zoning bylaws. Even in

() New procedures for appeals against zoning and other planning decisions are discussed in the preceding chapter.

areas of stability, amendments will sometimes be necessary, and the municipality should be empowered to attach conditions to such approvals, including agreements for services. In addition, it is important to legalize a practice which has been and will continue to be widely used in municipalities until the new techniques of development control can be instituted widely during the years ahead.

Secondly, largely in response to growing winter sport attractions, many cottages are being built for or converted to all weather habitation. They represent a potential urban sprawl problem of staggering proportions. In order to protect intensively developed resort areas where full municipal services are not available, municipalities should be empowered to regulate duration of occupancy. Admittedly, this will be difficult to administer, but municipalities should have the authority to prevent permanent occupancy in areas designated in a Municipal Structure Plan for seasonal or intermittent use if necessary. ()

Variances

In Part I, the administration of minor variances by Committees of Adjustment was found to be working well. Although it is recommended that municipal council members be made eligible to

() It will be understood that such bylaw would not prevent intermittent occupancy in any season, but would prevent permanent occupancy through all seasons.

sit on committees of adjustment, it is not proposed that the powers of committees over variances be transferred to municipal councils. Is this inconsistent with the general theme of this review? It is indeed. However, variances are so peripheral to the main planning issues the council should be able to hand off this burden to a competent body which employs fair and well established procedures.

Building Bylaws

This review looks to the results of the provincial study on a uniform building code for improvements in this specialized field. For planning purposes, the concern is, of course, for consistency, at least throughout regional or metropolitan municipalities.

Site Plan Agreements

Site plan agreements have long been used by municipalities as an extension of the zoning power. As discussed in Part I, their purpose is to achieve certain qualitative controls not permitted under zoning enabling legislation, and to do so in an individualized way, and at a time just prior to the actual development taking place when all the facts are known.

In a practical sense, site plan agreements have worked exceedingly well. Standards can be flexibly applied attuned to the special characteristics of the site, the development

2 aspects
of the
development
are controlled
by the site plan
agreements
which are
developed
prior to the
actual development
in order to control
the development
in a way that
agreements used
see page 73

proposed, and its relationship to its neighbours. Administration is swift. By these measurements, site plan agreements are vastly superior to site plan bylaws.

On the other hand, site plan agreements lack two of the virtues of site plan bylaws; that is, legality and formalized procedures as to notice. These might even be described as important.

Site plan agreements are of dubious legal effect between the immediate parties to it, and in any event are not legally enforceable against successors in title of the original contracting parties. () Nevertheless because a site plan agreement constitutes a shadow or a cloud on title, as a practical matter, mortgage lenders will insist on compliance with it before advancing building funds. This procedure, then, has a kind of extra-legal effect. In fact, where site plan agreements have been in use for many years, unwitting builders frequently make application for site plan approval on properties where no site plan agreement was ever obtained. ()

() One Twenty-Five Varsity Road Ltd. v. Township of York, (1960) 23 D.L.R. (2d) 465.

() In such cases the municipal officials, veteran professionals all, smoothly go through the whole process, revising the plans, collecting park levies and sewer charges, taking road widenings etc., without batting an eye.

Where the site plan agreement procedure is utilized, in effect, the decision to enact the amending zoning bylaw is a decision to approve the proposed development in principle. Final approval is reflected in the site plan approval given when the full details of the development are known to the actual developer. Frequently, the applicant for site plan approval is a successor of the original applicant for the amendment and yet ordinarily will follow the procedure.

In addition to the legal defects of the site plan agreement procedure referred to above, it is less than satisfactory for other reasons which stem from the fact that it is entirely extra-legal. An aggrieved applicant for site plan approval has available to him as a remedy, an application for a mandatory order of the court compelling the issue of a building permit notwithstanding the site plan agreement. For obvious reasons, if he is in the development business in that municipality, he will be extremely reluctant to avail himself of this remedy.

Further, the body granting site plan approval may do so on an ad hoc basis. Since site plan approval proceedings are extra-statutory, there is no requirement for public participation in the process, despite its critical micro-environmental significance.

It seems evident that changes to the Planning Act are in order so that proper legal status and procedural trappings will attach to an excellent planning tool. It is therefore recommended that the Planning Act be amended to authorize municipalities to enter into site plan agreements, in form suitable for registration on title to the property, and empowering municipalities to require site plan agreements as a condition to the approval of planning applications of various kinds.

what about
 having
 council's
 power to
 ask for
 everything

In a subsequent chapter, recommendations as to notice are proposed for all types of planning applications.

(iv) Renewal

The analysis of municipal renewal activity in Part I identified a number of deficiencies in a program which, during its vigorous period in the middle 'sixties, demonstrated its potential for effecting remarkable improvement to the physical fabric of a community. The deficiencies lay mainly in the policies and procedures utilized in applying the legislation, but there was one important aspect where amendment

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- () To avoid a lot of grief, it might be prudent, at the same time, to deem that municipalities have always had these powers, as was done when subdivision agreements were legalized fifteen years ago.

to the Planning Act was clearly desirable.

Many writers and speakers have already made the point that the word "renewal" should replace the word "redevelopment" wherever reference is made to the total process in Sections 22 and 24 of the Planning Act. Although strictly speaking, the present wording does not inhibit municipal activity in rehabilitation and conservation, the implied emphasis on redevelopment as the means to the end is clearly out of step with the lessons of the past and the attitudes of today.

For three years, provincial policy with respect to renewal has sat in limbo while the federal government ruminated over its future position. Ontario's apparent willingness to be led may be lamentable to independent spirits, but it must be acknowledged as the only practical course by those responsible for matching needs with resources in a program which is very demanding on the public purse.

In any event, the period of uncertainty can be ended. In June 1972, the Hon. Ronald Basford, Minister of State for Urban Affairs, announced the long-awaited amendments to the National Housing Act which revealed the new direction of federal commitment in the field of urban renewal and housing. These amendments were concerned with four main areas:

- preserving and rehabilitating the low and middle income housing stock in the older areas of inner cities,
- extending the availability of home ownership to a greater number of lower income families, through low interest, long term mortgages and grants to match provincial grants to home owners, ()
- developing a comprehensive land assembly program to reduce housing costs caused by speculation in land,
- broadening the housing research programs sponsored by C.M.H.C.

In this chapter, this review is concerned with the program for inner city housing rehabilitation, which has these two major components:

The Neighbourhood Improvement Program (NIP)

Bearing strong resemblances to current American legislation and programs (e.g. Neighbourhood Development Program and the special rehabilitation projects), the Neighbourhood Improvement Program replaces the former federal urban

() As yet, Ontario offers no such grants, and this section of the NHA will therefore have no application here.

renewal activities. Funded at \$80 million, it is to assist financing with grants up to 50% of total costs, (and loans covering up to 75% of the remainder of the costs) for the preparation and implementation of plans for improvements to neighbourhoods, including land acquisition and clearance, and the provision of social and recreational facilities as well as the usual hard services.

The Residential Rehabilitation Assistance Program (RRAP)

This is a program of forgivable loans to low income property owners in NIP areas for rehabilitating property up to minimum standards. Initially, \$4 million has been set aside for loans and \$2 million for grants. The latter have a \$4000 maximum, and are based on income levels. Landlords in NIP areas are to be eligible only if prepared to sign a 15 year rent control agreement. Non profit corporations and special groups (e.g. Indians) can obtain funds for improvements outside NIP areas.

The other shoe having been dropped, the province and the municipalities must now determine what their respective courses should be. They must decide how to respond to the new federal initiatives, and what to do in those aspects of renewal which, although vacated by the federal government, still demand and merit attention.

In order to permit full municipal participation in the proposed Neighbourhood Improvement Programs, it is recommended that Section 22 of the Planning Act be amended to enable municipalities to assist in the provision of social and recreational services. Full participation in Residential Rehabilitation Assistance Programs would require an amendment to Section 22(8) which now limits municipal action to land held by the municipality, and it is recommended that this be enacted.

The amendments to the National Housing Act constitute a clear statement of the federal intention to return to purely social objectives in its renewal activity. Following the American lead, the new emphasis is to be unmistakably on rehabilitation and spot clearance in lieu of large scale redevelopment as practiced previously. Whether the 1972 amendments to the N.H.A. represent all the federal government should do will undoubtedly be a matter of continuing public debate and federal-provincial negotiation, not only insofar as renewal is concerned, but in the whole field of housing. For the time being, those amendments constitute all that the federal government will do.

After three years, it is urged that the province stop waiting around and proceed instead with provincial-municipal programs based on the assumption that these federal policies may persist

for some time. Specifically, it is recommended that:

Firstly, comprehensive renewal studies, (and reviews of earlier studies) be revived, with the province filling in for the federal government in the equal cost sharing formula with the municipalities. Provincial participation should be on the condition that the results will be incorporated as policies into the Municipal Structure Plan.

The province's comprehensive renewal studies manual should be re-edited, with a view to trimming studies down to a very tight focus on only those matters which experience has shown to be germane in identifying areas for future renewal action ("schemes"), and outlining a general concept of action for each area, and the sequence of action or alternative sequences of action for the first five years. In addition, renewal studies should contain a considered estimate of the financial resources which the municipality can assign to renewal work for five years, balanced against estimates of municipal cost for the renewal action proposed during that period.

Secondly, attention should be redirected to the central business districts identified as early priority areas in comprehensive renewal studies. Many of these died in the womb or were arrested in their earlier development stages in 1968. The

downtowns constitute the major urban renewal problem in most of Ontario's urban centres, and they are too important to the social as well as the physical fabric of the cities and towns to be wholly ignored by public renewal action.

A special manual should be prepared setting out the special requirements for central business district scheme preparation and implementation, as distinct from residential projects. Costs should be shared by the province and the municipalities on a 50-50 basis (i.e. each would assume half of the 50% formerly carried by the federal government). Municipalities should be invited to review schemes previously prepared with a view to re-scaling and re-scheduling the proposals in line with the resources available.

Thirdly, attention should be directed toward rural and resort area renewal, and a special manual should be prepared for use in this important, but heretofore neglected area. The elimination of polluting uses, NIP programs in declining cottage communities, the removal of junk cars and machinery graveyards from farms and the rehabilitation of abandoned pits exemplify renewal projects of concern outside the urban centres. In some projects, coordination with ARDA programs is evidently in order.

The experience of the past ten years has taught all levels of government a good deal about procedures in handling renewal studies and schemes. The first and most important is that residential renewal is almost totally local in its impact and import. For best results, projects should be small and the planning and administration can and should be brought right down to the neighbourhood level, as Trefann so convincingly demonstrated.

The contribution residents can make, and their rights to be heard and participate in neighbourhood scale projects are becoming universally recognized and renewal procedures can now be expected to require resident involvement from the very beginning. ()

Although downtown schemes are city-wide in impact, it can be anticipated with confidence that revived provincial activity in this area will be contingent upon a much more active role by persons and groups affected. It can also be predicted that preliminary appraisals for such projects will have to devote much more care to identifying those who can and should

() It is also evident that the act of participation in the process itself can yield rewards in terms of human development.

find a useful place on the working committee.

Consistent with the theme of localized planning effort and decentralized administration, provincial and federal representatives can continue to retreat from active participation in the details of committee work. They will require little urging from this review or elsewhere, having recognized long ago that the build-up of municipal capability in the renewal field would free them for a supervisory role in the broadest sense, with concern only for progress, senior level interests where they are affected, and due process in the conduct of the project.

(v) Coordinating Public Works

In Part I of this review, the chapter devoted to public works documented the steadily increasing regard for the municipal plan by agencies responsible for constructing public works at the municipal level, and widening use of the municipal plans for coordinating the works programs of separate departments and commissions. Although progress in these respects has been greatest in the provision of the so-called "hard" services, it is reasonable to anticipate similar relationships evolving in the coordination of social services and in budgeting, provided of course, that municipal plans

are expanded in content to include social and economic objectives, and financial testing.

At the local level, the most evident need is for a ministerial reminder to school boards that they are "local boards" for the purposes of the Planning Act, and are therefore required to conform to municipal plans in locating and sizing school buildings.

It is through public works undertaken by the senior levels that the most disruptive events occur, disruptive not only in the sense of sudden impact (e.g. Toronto Airport) but also in the uncertainty, and hence inactivity, which precedes the announcement of senior level projects (e.g. Central York Sewer Scheme) or policies with respect to projects (e.g. the federal stance on renewal, the provincial stance on urban freeways). It is almost trite to comment on how the municipal planning process is weakened in everyone's eyes by senior level actions without apparent regard for municipal plans.

Despite the widespread and continuing progress in provincial-municipal liaison, it is believed that municipalities are entitled to some statutory protection and assurance that provincial projects will be coordinated with municipal objectives as expressed in the Municipal Structure Plan. If this really is a time when new energies are to be devoted

to improving the municipal planning process, surely it is also important to reinforce the status of municipal plans. It is submitted that this can be demonstrated best and most convincingly by legislative acknowledgement that, given Municipal Structure Plans of proper content which accommodate all known provincial interests, and which bear ministerial approval, the province will act within the context of those plans, or will follow established process in amending them.

Since the Minister will retain the final decision on any such amendments, is this not a little farcical? Yes, if it is thought that the existence of a municipal plan should thwart the implementation of considered provincial policies. But that is not, and of course could not be, the intention. Quite different objectives are in mind.

Firstly, the amendment process will provide a useful forum for public discussion of the projects or policies to be instituted.

Secondly, where policies or projects are to be changed or terminated, the discussion process will place the government under some compulsion to be ready with specific alternatives to replace or, if appropriate, to compensate for what is being removed.

Thirdly , such a provincial demonstration of respect for and confidence in the municipal planning process would be a powerful example to others, the general public (presently somewhat disenchanted), the municipalities (somewhat disillusioned), and even the federal agencies (now more or less detached).

Federal level projects present quite another problem, and without any apparent solution in sight. It should be recognized that the steady evolution of effective channels of liaison in joint federal-provincial-municipal shared programs (e.g. renewal) will not automatically follow where totally federal-level interests are involved. After a year in operation, there is still insufficient evidence to judge how effective the new federal Ministry of State for Urban Affairs will be in coordinating federal projects with municipal plans, and reducing the untoward consequences for municipalities of unilateral federal actions.

The Welland Canal diversion illustrates the vulnerability of a municipality's position in the face of determined federal policy. The prospects however, are not all so disturbing, witness the railroads evident willingness to abide by municipal land use decisions in the redevelopment

of surplus lands, and their concern for environmental considerations in current rail relocation studies. Even in the Pickering Airport case, the decision as to location, (and hence where and how the impact was to be felt at the local level) was provincial rather than federal. The disappointment there was not so much the disregard for the municipal plan (which was inevitable) but in the disregard for municipal involvement at any stage in the decision.

With respect to purely federal-level projects, it is submitted that the municipalities should be able to rely on technical and political support from the province in coping with the environmental consequences. Where federal-provincial ventures entail substantial municipal impact, the municipalities affected should be able to count on the province to ensure their consultation and involvement.

d. Recommendations Summarized

The following recommendations are made for amendments to the Planning Act, and to policies or regulations emanating from the Act.

- WITH RESPECT TO PLAN MAKING, THAT

- THE PLAN-MAKING FUNCTION BE ASSIGNED DIRECTLY TO THE MUNICIPAL COUNCIL EXCEPT WHERE JOINT PLANNING BOARDS EXIST.

THE MEMBERS OF JOINT PLANNING BOARDS BE DRAWN FROM CONSTITUENT MUNICIPAL COUNCILS, WITH MINISTERIAL APPROVAL OF MEMBERSHIP NOT REQUIRED.

- COUNCILS BE PERMITTED TO OVER-RIDE JOINT PLANNING BOARD DECISIONS (AND THOSE OF OTHER PLANNING BOARDS WHERE THEY PERSIST) BY A SIMPLE MAJORITY.

- WITH RESPECT TO MUNICIPAL PLANS, THAT

- THE MUNICIPAL PLAN BE MAINTAINED IN ITS "DOCUMENT FORM".
- THE PRESENT POLICY OF MAKING MUNICIPAL PLANS MANDATORY ONLY WHERE CONDITIONS CONDUCTIVE TO GOOD PLANNING EXIST BE CONTINUED. IN THESE AREAS, PERIODIC (5 YEAR) COMPREHENSIVE REVIEWS ALSO BE MADE MANDATORY.

- THE DEFINITION OF MUNICIPAL PLANS BE EXPANDED TO INCLUDE SOCIAL AND ECONOMIC ASPECTS, AND TO ENABLE PLANS TO BE DEVELOPED WHICH FOCUS ON POLICIES AND STRATEGIES TO ACCOMMODATE THE PROBLEMS OF CHANGE AS WELL AS GROWTH.
- THESE THREE LEVELS OF PLANS BE RECOGNIZED AND AFFORDED LEGAL STATUS
PROVINCIAL PLANS - FOR THE FIVE PROVINCIAL PLANNING REGIONS.
MUNICIPAL STRUCTURE PLANS - EQUIVALENT TO OVERALL, PART I, OR POLICY PLANS.
MUNICIPAL DISTRICT PLANS - EQUIVALENT TO PART II, OR SECONDARY PLANS.
- THAT DISTRICT PLANS BE REQUIRED TO CONFORM TO STRUCTURE PLANS AND STRUCTURE PLANS TO PROVINCIAL PLANS.
- THE MUNICIPAL PLANS MANUAL, WHEN COMPLETED, BE ISSUED AS A MINISTERIAL CIRCULAR, INCLUDING POLICIES RESPECTING:
 THE APPROPRIATE TIME PERIOD FOR MUNICIPAL OBJECTIVES (5-10 YEARS).
 THE NATURE AND FEASIBILITY OF MUNICIPAL OBJECTIVES WHICH SHOULD BE STATED.
 THE FINANCIAL AND ADMINISTRATIVE METHODS FOR PLAN IMPLEMENTATION.

THE FLEXIBILITY AND STABILITY OF THE PLAN, AND
THE GENERALITY AND SPECIFICITY OF THE PLAN.

WITH RESPECT TO MUNICIPAL PLAN IMPLEMENTATION

GENERALLY, THAT

- WHERE CERTAIN CRITERIA AS TO PLANNING CAPABILITY
HAVE BEEN MET, THE MUNICIPAL COUNCIL BE THE
DECIDING BODY ON ALL PLANNING MATTERS EXCEPT
MUNICIPAL STRUCTURE PLANS AND AMENDMENTS, DECISIONS
ON WHICH WILL BE RETAINED BY THE MINISTER.
- A MAXIMUM FEE SCHEDULE COVERING APPLICATIONS OF ALL
KINDS UNDER THE PLANNING ACT SET BY THE MINISTER
BE ADHERED TO BY ALL MUNICIPALITIES.

WITH RESPECT TO CONSENTS, THAT

- SECTION 29 OF THE PLANNING ACT BE AMENDED TO
ASSIGN CONSENT ADMINISTRATION TO THE MUNICIPAL
COUNCILS, AND REQUIRING ADMINISTRATION WITHIN
POLICY LINES STATED IN THE MUNICIPAL STRUCTURE PLAN.
- AT HIS DISCRETION, THE MINISTER BE EMPOWERED TO
RELIEVE MUNICIPAL COUNCILS OF AUTHORITY OVER CONSENTS.
- THE ACTS GOVERNING THE REGISTRATION OF LAND IN
ONTARIO BE AMENDED TO PROHIBIT THE REGISTRATION OF
ANY NEW DEED, LONG TERM LEASE OR MORTGAGE, ETC.
WHICH DOES NOT BEAR THE APPROVAL STAMP OF THE
APPROPRIATE CONSENT ADMINISTERING BODY.

WITH RESPECT TO PLANS OF SUBDIVISION, THAT

- SECTION 33 OF THE PLANNING BE AMENDED TO:
 - : PERMIT THE MINISTER TO DESIGNATE MUNICIPALITIES WHERE COUNCIL ~~WILL DEAL WITH ALL ASPECTS OF~~ SUBDIVISION APPROVALS, ~~AND~~
 - : REQUIRE INFORMATION WITH RESPECT TO TREE COVER TO ACCOMPANY APPLICATIONS FOR DRAFT PLAN APPROVAL.
 - : PERMIT MUNICIPALITIES TO REQUIRE PARK DEDICATIONS RELATED TO POPULATION (BUT NOT EXCEEDING 2½ ACRES/ 1000 POPULATION) IN LAND OR CASH IN LIEU.
 - : PERMIT MUNICIPALITIES TO REQUIRE CASH IN LIEU OF ROAD WIDENINGS.
- IMPROVEMENTS IN COMMUNITY DESIGN BE FOSTERED BY:
 - : COMPLETING THE SUBDIVISION DESIGN MANUAL.
 - : HOLDING SUBDIVISION DESIGN WORKSHOPS.
 - : PROVIDING SCHOLARSHIPS FOR POST GRADUATE STUDY IN CIVIC DESIGN PROGRAMS.
- IN ORDER TO SPEED UP THE SUBDIVISION APPROVAL PROCESS, THE FOLLOWING PROCEDURES BE ESTABLISHED IN A MINISTERIAL REGULATION ISSUED PURSUANT TO THE ACT.

in the above for sub-division no more subdivisions (divisions)

- 4
- : WHERE A SUBDIVISION APPLICATION INVOLVES PARALLEL APPLICATIONS TO AMEND A DISTRICT PLAN OR A ZONING BYLAW, OR BOTH, ALL MUST BE DEALT WITH CONCURRENTLY, AND CONSIDERED AT THE SAME SET OF PUBLIC HEARINGS.
 - : SUBDIVISION APPLICATIONS MUST BE PROCESSED IN ACCORDANCE WITH A TIME SCHEDULE NOT EXCEEDING SIX MONTHS FOR DRAFT APPROVAL, AND A FURTHER NINE MONTHS FOR REGISTRATION.
 - IN ORDER TO ENSURE THAT SUBDIVISION AGREEMENT PROVISIONS AND ENGINEERING STANDARDS ARE REASONABLE AND CONSISTENT, THE FOLLOWING PROVINCIAL REQUIREMENTS AND POLICIES BE SET DOWN IN A MINISTERIAL REGULATION ISSUED PURSUANT TO THE ACT.
 - : A LIST OF SERVICES AND CONDITIONS FOR URBAN, AND RURAL AND RESORT RURAL MUNICIPALITIES WHICH THE MINISTER WILL REQUIRE WHEN HE CONSIDERS SUBDIVISION APPLICATIONS.
 - : SUBDIVISION AGREEMENTS BE ADMINISTERED AS LOCALLY AS POSSIBLE, BUT THAT THE TERMS OF SUCH AGREEMENTS BE CONSISTENT WITHIN REGIONAL MUNICIPALITIES.
 - : THAT LEVIES BE PERMITTED ONLY FOR WORKS SPECIFIED IN SUBDIVISION AGREEMENTS AND NOT FOR "GENERAL PURPOSES".

*to be done
after meeting
in June?*

- : PROVINCIAL STANDARDS FOR SCHOOL SITE SIZES
FOR ALL LEVELS OF PUBLIC AND SEPARATE SCHOOLS.

WITH RESPECT TO ZONING BYLAWS, THAT

- ZONING BYLAWS AND AMENDMENTS BE APPROVED BY
MUNICIPAL COUNCILS WITHOUT THE CONFIRMATION
OF ANY PROVINCIAL AGENCY.
- MUNICIPALITIES BE EMPOWERED TO ATTACH CONDITIONS
TO ZONING AMENDMENTS.
- MUNICIPALITIES BE EMPOWERED TO REGULATE DURATION
OF OCCUPANCY IN AREAS DESIGNATED IN A MUNICIPAL
STRUCTURE PLAN FOR SEASONAL USE.

WITH RESPECT TO SITE PLAN AGREEMENTS, THAT

- THE PLANNING ACT BE AMENDED TO AUTHORIZE
MUNICIPALITIES TO ENTER INTO SITE PLAN AGREEMENTS
REGISTERABLE AGAINST TITLE AND TO EMPOWER
MUNICIPALITIES TO REQUIRE SITE PLAN AGREEMENTS AS
A CONDITION TO THE APPROVAL OF PLANNING APPLICATIONS.

WITH RESPECT TO RENEWAL, THAT

- SECTION 22 OF THE PLANNING ACT BE AMENDED, CHANGING
GENERAL REFERENCES TO "REDEVELOPMENT" TO "RENEWAL"
AND ENABLING MUNICIPALITIES TO PARTICIPATE IN ALL
ASPECTS OF THE NEW FEDERAL NEIGHBOURHOOD IMPROVEMENT
PROGRAM AND RESIDENTIAL REHABILITATION ASSISTANCE
PROGRAM.

Regulation - not in the Act - 1973

*which
could be
for the new*

- PROVINCIAL PARTICIPATION ON COMPREHENSIVE RENEWAL STUDIES BE INITIATED ON A 50-50 COST SHARING BASIS WITH MUNICIPALITIES, AND THAT THE COMPREHENSIVE RENEWAL STUDIES MANUAL BE RE-EDITED AND RE-ISSUED.
- PROVINCIAL PARTICIPATION IN CENTRAL BUSINESS DISTRICT SCHEMES BE REVIVED, ON A 50-50 COST SHARING BASIS FOR BOTH DETAILED PLANNING AND IMPLEMENTATION, AND THAT A SEPARATE MANUAL BE PREPARED.
- PROVINCIAL PARTICIPATION IN RURAL AND RESORT AREA RENEWAL SCHEMES BE INITIATED ON A 50-50 BASIS, AND THAT A SPECIAL MANUAL BE PREPARED.
- PROVINCIAL POLICIES BE CIRCULATED TO THE EFFECT THAT PROJECTS SHOULD BE SMALL, RESIDENT INVOLVEMENT IS REQUIRED THROUGHOUT, AND THAT PROVINCIAL ROLE WILL BE BROADLY SUPERVISORY.
- WITH RESPECT TO COORDINATING PUBLIC WORKS, THAT
 - THE PROVINCE ANNOUNCE ITS INTENTION TO ACT WITHIN THE CONTEXT OF APPROVED MUNICIPAL STRUCTURE PLANS OF SUITABLE CONTENT, AND TO FOLLOW ESTABLISHED PROCESSES IN SEEKING ANY AMENDMENTS TO THEM.

-- MUNICIPALITIES MAY SEEK TECHNICAL AND POLITICAL ASSISTANCE FROM THE PROVINCE IN COPING WITH PROPOSED FEDERAL WORKS, AND COMMITTING THE PROVINCE TO INVOLVE AFFECTED MUNICIPALITIES WHERE JOINT FEDERAL-PROVINCIAL PROJECTS ARE PLANNED.

3.2.2 Creating Proper Municipal Planning Jurisdictions

It is quite clear that, in time, the question of planning jurisdictions will be basically resolved by the local government reorganization program which the provincial government has actively pursued for the past several years. Given some acceleration in the rate, it is possible that the local government reorganization might be completed, or nearly so, by the end of the decade.

It will be recalled that, for municipal planning, the program thus far has yielded not only larger jurisdictional limits, but equally important, has assigned the planning function directly to the municipal council, and required that a plan be prepared and adopted by a specific date. Without in any way diminishing the validity of the current new emphasis on planning as a process, this evident determination on the part of the government to insist that planning powers be exercised within the context of a formalized plan can only be applauded by anyone seriously concerned with municipal affairs.

No less significant for municipal planning is the announced intention to delegate some ministerial approval powers to the reorganized municipal governments upon completion and adoption of a satisfactory regional plan. This presages important changes in vertical planning jurisdiction for municipalities.

In the light of these existing policies and the ongoing program, need much more be said? Patently, the necessary response is already being made, and it might seem to be enough simply to join the chorus urging the early completion of local government reorganization across the province. That program is wholeheartedly supported here, and it is almost trite to offer comment on its import for the future of municipal planning. Suffice to say that, without the government's admirable resolve to see this vital work through, there would be little real hope of achieving an effective basis for municipal planning in the next, or any decade.

However, having in mind the observations offered earlier on the four regional municipalities operative to date (Ottawa, Niagara, Muskoka and York), ^{note 5} some suggestions from a municipal planning viewpoint on how the program might continue to evolve could be constructive. These will be directed toward both the geographic and vertical aspects of jurisdiction. At the same time, it may also be useful to consider what interim measures might be instituted to improve municipal planning jurisdictions in those parts of the province which will await for at least some years the advent of local government reorganization.

a. Geographic Jurisdictions

A master plan has never been devised for the reorganization of municipalities on an overall basis across the province. So far,

attention has been focussed on some major municipal problem areas, but not on others. The province's new regional planning and development program has not, as yet, contained any indication of what its relationship will be to the new enlarged or 'regional' municipal jurisdictions, or combinations of them. The recent announcement of "Design for Development, Phase III" () affords some measure of reassurance in these regards. From that statement, it is evident that some ordering of priorities for implementing the local government reorganization program is in the making, with the Montreal-Windsor axis to receive the earliest attention. It is not yet clear, however, that the program is operating within an overall concept or grand design for municipal government within the province as a whole.

The statement also announced the reconstitution of the Advisory Committee on Regional Development as the Advisory Committee on Urban and Regional Planning. Under its expanded terms of reference, this Committee will be able to relate regional development policies and issues to regional and local government policies on planning and development. This is a deputy minister level group, of course, and the trick will be to effect the necessary coordination at the day to day operating level.

() Announced by the Treasurer of Ontario, Hon. Darcy McKeough in his statement to the Foundry Convention, Association of Municipalities of Ontario, June 19, 1972.

The principles intended to underpin the local government reorganization program were clearly enunciated in "Design for Development Phase II" (1968). Government policy, following on what was outlined in the August 1967 Ontario Committee on Taxation Report (Smith Report, Volume 2, Chapter 23 "Reconciling Structure with Finance") was set out as follows:

- "...1. A region should exhibit a sense of community and identity based on sociological characteristics, economics, geography and history.
- 2. A region should have a balance of interest so that no one group or interest can completely dominate the region.
- 3. There must be a financial base adequate to carry out regional programs at a satisfactory level.
- 4. The region should be large enough so that local responsibilities can be performed efficiently by taking advantage of economies of scale.
- 5. Regional boundaries should facilitate maximum inter-regional cooperation."

To these original criteria, three have been added:

- "6. Community participation and, where possible, community acceptability.
- 7. The new regional government boundaries should be usable by other institutions, e.g. provincial departments and agencies, and boards of education.
- 8. Where there are to be two tiers of government within a region, both tiers should be designed with the same criteria."

In the December 1968 statement on Design for Development: Phase II, guidelines were offered on what the province considered acceptable size, internal structure and representation for regional government. These stated that a region should have a minimum population of from 150,000 to 200,000; and if a two tier system, the population of the lower tier municipalities should be a minimum of 8,000 to 10,000.

These are sound principles, and adherence to them will undoubtedly yield positive results, at least insofar as municipal planning is concerned. In practice of course, many factors go into the decisions on how various municipalities should be reorganized, and it is only to be expected that some of those factors will conflict with the principles enunciated in 1968. To the extent that those principles are outweighed, the efficacy of the municipal planning process will probably be reduced, but even this Review must acknowledge

that there are other things in life besides municipal planning.

The most complete departure from these principles is to be found in the approach in and around Metropolitan Toronto, where the over-riding factor was the provincial resolve to limit the political size of the municipality, without being able to do much about the physical extent of the metropolis. The corporate boundaries thus cut through rather than enclose the area of common interest. Paradoxically, the noisiest protests seem to emanate from within Metro, although the consequences will undoubtedly be visited mainly on the municipalities surrounding. Regional York already epitomizes all of those problems - no meaningful sense of community, an inadequate financial base, and an ever-growing imbalance between north and south. With its boundaries drawn through, rather than between areas of interest, the need for cooperative arrangements, with attendant complications, is maximized rather than minimized. Although it has evident attractions in terms of the present government's overall political strategy, Regional York is almost a caricature of what ought not to be done from a municipal point of view.

Further removed from the fundamental contradiction around Metropolitan Toronto, the prospects for solutions more

compatible with sound criteria for municipal planning would appear to be considerably brighter. Somewhat unsettling is the apparent affinity with the existing county structure () coupled with an evident predilection for two tier systems. Design for Development Phase III is encouraging in its acknowledgement of alternative solutions.

Since municipal planning will, to such a considerable extent, sink or swim with municipal reorganization, it is important to put forward now, at this relatively early stage in the reorganization program, some recommendations which would prove advantageous for the future functioning of the municipal planning process. It is urged that this be done through the preparation of a provincial plan setting out the most effective geographic pattern of municipal planning jurisdictions, including where thought appropriate, regional and local tiers of planning jurisdiction. This plan should become part of the terms of reference for the people charged with drafting proposals for municipal reorganization, and weighed as an important consideration wherever decisions are made during the completion of that program.

In pursuit of such a plan, this Review might usefully comment on some of the possibilities and problems presented by the

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- () The 1968 reorganization to county boards of education undoubtedly lends a powerful attraction to the counties as the basis for municipal restructuring, since the prospect is offered to equate the financial base with the largest item of local expenditure. (Seen in this light, the persistence of the two boards of education within Regional Ottawa-Carleton is puzzling.) Obviously one of the possible constraints for the local government reorganization program is the sanctity of the new county boards of education.

existing city/county/district relationships throughout the province. In so doing, the need for some kind of patching job around the rest of the Metropolitan Toronto perimeter is accepted, and attention is directed elsewhere.

It is possible to recognize at least four distinct types of circumstances throughout Ontario.

The Ottawa-Carleton Type, i.e. single major urban-centred city/county, or city/district combinations, with reasonable perimeters.

Possible examples - Chatham/Kent, Sarnia/Lambton, Windsor/Essex, Stratford/Perth, Hamilton/Wentworth, Peterborough/Peterborough, Sault/Algoma, North Bay/Nipissing, etc.

The District Muskoka Type, i.e. counties and districts without major centres, and with reasonable perimeters.

Possible examples - Huron, Bruce, Dufferin, Prince Edward, Haliburton, Manitoulin, Rainy River, etc.

The Regional Niagara Type, i.e. multi-centred counties and districts.

Possible examples - Simcoe, Lanark, Renfrew, Kenora, etc.

The Regional York Type, i.e. major centred multi-centred or uncentred counties and districts of unsuitable size, shape, or coverage.

Possible examples - Guelph/Wellington, Belleville/Hastings, Lennox and Addington, Kingston/Frontenac, Parry Sound and most other districts.

Much of the province falls into the first two categories and this is fortunate, for it will be recalled from the discussion in Section I that Ottawa-Carleton and District Muskoka appear to constitute eminently acceptable bases for municipal planning, albeit for totally different reasons.

Regional Niagara already affords an illustration of the problems ahead for municipal planning where scarcely related or competitive centres are lumped together without really binding ties at the municipal level. In such circumstances, a number of largish but still single tier units might have been preferable for municipal planning purposes, and possibly so for other municipal reasons as well.

For the fourth type, a major geographic rearrangement of historic alignments would appear to be imperative for any municipal purposes, and these combinations obviously should be avoided as a basis for municipal planning jurisdictions.

Two tiers of planning will undoubtedly be in order in many situations, particularly for separated population concentrations

within larger regional entities. It will be important to apply the same principles (community of interest, etc.) if lower tier planning is to be on an equally sound basis. ()

It seems questionable that all of the city/county and city/district combinations which would fall into the first category would qualify for two levels of municipal planning. Where the central city is totally overpowering in relation to its surroundings, two tiers could simply set the stage for a Hamilton-Wentworth type stand-off between the core city's planning operation and the "regional" planning operation. An analysis of the efficacy of the Lakehead Planning Board/City of Thunder Bay relationship, notwithstanding the care which has gone into the avoidance of duplication or conflict there, might prove instructive in this regard.

b. Vertical Jurisdictions

Where municipalities throughout the province can demonstrate capability, the approval powers of the municipal councils

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- () St. David's Road, the anachronistic southern boundary of the City of St. Catharines is an example of the kind of arrangement which could have been avoided if a rational scheme for planning jurisdictions had been afforded greater weight in the reorganization plan for the Niagara Peninsula.

should be extended considerably. The main objective should be to vest the real planning decision in the capable body closest to the people affected, and in the body properly accountable for the consequences. This will facilitate an equally important aim, the progressive disengagement by the province from direct involvement in planning affairs at the municipal level thus permitting a concentration of energies on matters provincial in scope.

The criteria for determining adequate municipal capability should include at least:

- The adoption, ministerial approval and mandatory periodic review of an official structure plan for the regional municipality. This plan should obviously reflect the planning framework established by the province in a bona fide provincial plan, or expressed in terms of plans for the province's five new consolidated () planning regions.

() Design for Development Phase III announced the consolidation of the 10 economic regions into 5 provincial planning regions, Eastern, Central, Southern and Western, Northeastern and Northwestern. The Regional Development Councils are to be replaced by new economic and municipal regional advisory bodies.

- The availability and use of adequate machinery for broad public involvement in all phases of the municipal planning program at both upper and lower tiers where two exist (see succeeding chapter).
- The availability of an adequate technical staff and budget for planning purposes. At current salary levels and costs, an adequate budget for general planning programs and administrations should be expected to run in the order of \$1. to \$1.25/capita. (Special projects e.g., urban renewal schemes, transportation studies, could involve more at any given time.)

Where such criteria have been met, the province should acknowledge that its involvement will be confined to the approval of the structure plan, and amendments thereto. It is in the overall primary or structure plan bearing ministerial approval that all of the province's objectives should be recorded and accommodated, and safeguarded. This would include basic assignments of population and jobs, economic base and resource development, primary servicing, housing, conservation, and inter-urban transportation and communications. This limitation of provincial involvement should apply equally to the processing part of the municipal planning operation.

No less significant for vertical jurisdiction is the necessary legislative acknowledgment by the government that, it will also be found by a municipal structure plan bearing the Minister's approval, as discussed in the preceding pages.

If a structure plan is to effectively coordinate provincial and local decision-making in the relevant areas, both the Crown in right of Ontario and Ontario public service departments, as well as municipalities and local boards and commissions, should be bound by its provisions. Thus, for example, if an approved structure plan establishes a transportation or housing strategy for the planning area, neither the province nor the municipality or municipalities concerned would be authorized to act otherwise than in accordance with the plan, until, of course, it is amended through due process. Such a restriction would be enforceable by the courts exercising jurisdiction to issue declarations and injunctive relief. Olympian Thunderbolts, of the Spadina variety could not recur, replaced instead with an appropriate amendment procedure.

The municipal councils should enjoy a wide discretion in the appointment of permanent or semi permanent advisory committees or task forces for continuing or specific purposes, involving technical or citizen representation or both. Consultation with appropriate provincial departments would have to be mandatory where defined provincial interests were involved.

Where two tiers of local government are established, the regional level should be empowered to delegate any of its approval powers to the lower tier, based on the same kind of criteria, and operating in much the same relationship. For example, existence of a regionally approved District Plan covering the lower tier municipality would be a prerequisite, and the regional municipality would confine its involvement to safeguarding regional interests and policies as expressed in those plans. The regional municipality would also be bound by such District plans.

The lower tier municipal planning budget should be able to be accommodated within the overall \$1. to 1.25/capita range of a serious effort is made to avoid repetition and duplication.

It is not recommended that any municipality be empowered to delegate decisions toward councils, neighbourhood groups or community associations in any legal sense, unless, for

example, ward councils are enabled by amendment to the Municipal Act, and their members are elected under the Municipal Elections Act. This will not, in future, nor has it in the past, prevented municipal councils from "de facto" delegation of decision making to various groups, but this Review urges most strongly that all decisions remain legally in the hands of persons elected under some regularized and scrutinized process.

It will be imperative, of course, to ensure continuance of the avenues of appeal from municipal decisions in planning matters of all kinds. New machinery for these purposes will be recommended in the subsequent chapter.

It will be equally important to provide in the legislation for ministerial withdrawal of approval powers where adherence to the criteria for planning capability is not sustained by the municipality.

c Interim Measures

Even allowing for an increase in the rate of legislation, it seems likely that several years will elapse before many parts of the province are covered by the local

government reorganization program. In the meantime, some obvious steps might be taken to improve planning jurisdictions where circumstances are, or can be swiftly made to be favourable.

In terms of geographic jurisdictions, the province should take the initiative in establishing joint planning boards or in amending the coverage of existing joint boards, to conform to the pattern set out in the "plan for planning areas" recommended above. As discussed in Section I, joint planning areas and boards have their weaknesses and have produced decidedly mixed results in the past. Nevertheless, they still offer the best alternative in many situations. The recently established Tiny-Tay Planning Area affords an example of how a number of disparate municipal planning operations may be consolidated () and through cooperative effort by the municipalities and the province, a comprehensive planning program with supporting staff, can be initiated.

In terms of vertical jurisdiction there would seem to be no compelling reasons why the province could not experiment with the delegation of at least some of the approval powers

- () The Tiny-Tay Planning Area includes those two townships plus the Towns of Midland and Penetanguishene and the Villages of Port McNichol and Victoria Harbour.

mentioned above to those cities which can demonstrate satisfactory Official Plans, adequate budgets, competent staff, appropriate participatory procedures in advance of municipal reorganization. London, Kingston and Sault Ste. Marie may be examples of cities which, if they are not now, might soon be brought up to a level of capability which would qualify for such dignities. The experience could only benefit all concerned.

For those many parts of Ontario where capability will only come with reorganization, the next best step on the road to decentralization would be the increase in the number of field offices, expansion of the staff complement in each, and the assignment to the senior officer of all of the processing and review functions now focussed on Queen's Park. This would include "de facto" approval of subdivision plans, official plan amendments and review of zoning bylaws and amendments, committee of adjustment decisions, etc. As noted earlier, the Thunder Bay office already exercises some of these functions and has amply demonstrated the practicality and popularity of this form of delegation.

It should be cautioned that these assignments cannot simply be loaded onto the present field staff, who are presently

fully engaged in promotion and liaison. The program will fail amid disillusionment unless additional staff are provided, staff who are trained to administer the very different and specialized approval processes which pertain to applications of various kinds.

d. Recommendations Summarized

It is recommended that:

- TO IMPROVE GEOGRAPHIC MUNICIPAL PLANNING JURISDICTIONS, A PLAN FOR MUNICIPAL PLANNING JURISDICTIONS, SINGLE AND DOUBLE TIER, SHOULD BE PREPARED BY THE PLANS ADMINISTRATION BRANCH BASED ON THE CRITERIA ENUNCIATED IN "DESIGN FOR DEVELOPMENT" et seq. THIS PLAN TO BE AMONG THE MAJOR FACTORS CONSIDERED IN DECISIONS RESPECTING LOCAL GOVERNMENT REORGANIZATION.
- TO IMPROVE VERTICAL MUNICIPAL PLANNING JURISDICTIONS, THE PROVINCE SHOULD LIMIT ITS INTEREST IN AND APPROVALS TO THE OVERALL MUNICIPAL STRUCTURE PLAN, AND SHOULD ITSELF BE BOUND BY SUCH PLANS WHICH BEAR MINISTERIAL APPROVAL.
- IN ORDER TO DECENTRALIZE THE PROCESS, APPROVAL POWERS WITH RESPECT TO SECONDARY PLANS, BYLAWS AND DEVELOPMENT APPLICATIONS PRESENTLY EXERCISED BY THE MINISTER AND THE O.M.B. SHOULD BE DELEGATED TO THE MUNICIPAL COUNCILS WHERE SUITABLE CRITERIA AS TO PLANNING CAPABILITY HAS BEEN MET AND IS SUSTAINED.

- WHERE TWO TIERS OF LOCAL GOVERNMENT EXIST, THE UPPER TIER SHOULD LIMIT ITS INTEREST IN AND APPROVALS TO THE OVERALL STRUCTURE PLAN AND THE SECONDARY PLANS, AND SHOULD BE EMPOWERED TO DELEGATE APPROVAL POWERS FOR BYLAWS AND DEVELOPMENT APPLICATIONS TO LOWER TIER MUNICIPALITIES WHERE SUITABLE CRITERIA AS TO PLANNING CAPABILITY HAS BEEN MET AND IS SUSTAINED.

- PENDING LOCAL GOVERNMENT REORGANIZATION:
 - ANY JOINT PLANNING AREAS CREATED, OR REORGANIZED, SHOULD ADHERE TO THE PATTERN ESTABLISHED IN THE PLAN FOR MUNICIPAL PLANNING AREAS REFERRED TO IN (i) ABOVE.
 - MUNICIPALITIES ABLE TO DEMONSTRATE ADEQUATE PLANNING CAPABILITY IN TERMS OF THE CRITERIA ESTABLISHED, SHOULD HAVE APPROVAL POWERS DELEGATED TO THEM.
 - THE FIELD OFFICES OF THE PLANS ADMINISTRATION BRANCH SHOULD BE INCREASED IN NUMBER AND STAFF COMPLEMENTED AND "DE FACTO" APPROVAL POWERS FOR PLANNING AND DEVELOPMENT APPLICATIONS BE DELEGATED TO THE SENIOR PLANNING OFFICERS.

3.2.3 Improving the Product Technically

It is patent that the professional quality of municipal planning across the province is uneven. Obviously, work of a superior kind can be produced given the necessary ingredients, but thus far, the only really satisfactory performances have been confined to the larger jurisdictions which maintain their own permanent planning staffs. In the smaller municipalities, consultants have been able to bring a satisfactory level of expertise for specific assignments, but in many cases a continuing high standard has not been sustained because of a failure to maintain an adequate administrative base. In some instances, consultants have been employed on a continuing basis for the day to day planning operations, but this is seldom efficient, especially where the consultant's base is remote, and always costly.

It is clear from this Review that if municipal planning throughout the province is to be done well, or at least much better than in the past, the professional and technical staffs at the municipal level will have to be strengthened. Such strengthening is necessary not only in the number and quality of the personnel involved, but also in the materials and information with which they have to work. The ways in which the province should foster technical competence at the municipal level is the subject of this section.

Approached in logical sequence, the measures needed are: firstly to improve the materials; secondly to improve the dissemination of these materials, and finally to improve the capacity of the municipalities and their planning staffs to utilize effectively the materials which have been disseminated.

a. Improving the Planning Materials

(i) Maps

Virtually all planning utilizes maps. Notwithstanding this simple fact, adequate mapping is presently only available for all aspects of planning in the largest jurisdictions. On anything like a province-wide basis, mapping remains woefully inadequate. The lack of suitable maps for official plans, zoning bylaws and other planning studies constitutes a serious stumbling block to sound municipal planning. Maps of varying quality can usually be made available for a specific project but the source material is either scattered through numerous agencies, often in different levels of government, or must be compiled from field surveys at a high price. In all events, the present methods are far too time consuming and so expensive that they are frequently curtailed in the interests of costs with a consequent lowering of quality for the plan of studies involved.

Improvements to the supply of maps are being made at the present time at a rapid pace, while there has also emerged a growing awareness of the interdependence between agencies and the common usefulness of many maps. Unfortunately there has not yet emerged any real centralized system for dealing with such materials or for making them available at one source.

While many maps are required by the province and these should in all cases be made available to municipalities, the minimum requirements for sound municipal planning are:

- photogrammetric mapping on a scale of 200' to 1" with 5' contours and 2½' interpolations showing buildings, other works of man, and natural topographic features and wood area;
- aerial photographs, on a similar basis;
- property ownership, also on a scale of 200' to 1" and capable of being superimposed on the photogrammetric maps.

It should be noted that these maps would be useful for a number of other departments in the government and that their general availability would profit the province as much as it would the municipalities.

A complete inventory of map and aerial photography sources would be beyond the scope of this review. However, it should be noted that in addition to the National Topographic series of maps published by the Department of Energy, Mines and Resources, Ottawa, the main sources other than municipalities themselves are the Ministry of Transportation and Communications, the Department of Lands and Forests and Ontario Hydro.

The Ministry of Transportation and Communications in its photogrammetry office has an advanced computer mapping system that can turn out mapping from aerial photography at almost any scale and detail a planner might require. This system is apparently not well known municipally, nor is it used extensively by other provincial departments.

Whatever its sources, the base mapping needed by the various government departments as well as by municipalities would be far more easily disseminated if stored at a central point. The potential offered by computer mapping techniques is very great but can only be fully utilized by a larger scale use than is normally needed by any one agency. This virtually demands a provincial photography and mapping agency. Such an agency should therefore be set up and the model for it might well be the photogrammetry office of the Ministry of Transportation and Communications, some of whose programs the new agency might well assume.

If established, such an agency should be required to compile a central library of existing mapping for all municipalities and provincial departments, and to publish a catalogue of available types and scales. In addition, that agency should embark on new mapping programs including topographic coverage of all urbanizing areas and resort areas by the end of the decade at the recommended scale of 200' to 1". A system of keeping these up-to-date will have to be worked out on an ongoing basis. It may be possible to achieve significant economies by coordinating all base mapping for government departments, municipalities, regions and other areas in this way.

A special matter closely associated with base mapping is that of ~~cadastral~~ information (land division and ownership). This is presently in a chaotic state, as the provincial assessment program has ruefully found. Adequate mapping of land ownership and property boundaries and the updating of changes is essential for land use control through zoning bylaws or direct development control means. The matter has been looked into in some detail by the Ontario Law Reform Commission which recently published a report on land registration. This report recommends sweeping changes to the system and of special pertinence to municipal planning:

The Commission recommends that:

1. A computer system should be used for land registration. The major elements of this system are:

- (a) a record for each parcel should be stored in a central computer. This record should include the name of the owner, and references to the description and current documents. The record should also include, as supplementary information, the date, names of parties, and kind of each current document, and summaries of the terms of payment of charges;
 - (b) the records in the computer should be available in local offices through remote terminals;
 - (c) the descriptions and microfilm reproductions of the registered documents should be stored in the local offices;
 - (d) registrations should be made at the local offices for the parcels that are affected;
 - (e) the microfilm reproductions and the changes in the record stored in the computer should be made at a central office; and
 - (f) copies of descriptions and documents for searches should be obtainable by mail.
2. An index that is derived from coordinates and designed in cooperation with other prospective users should be used."

The Law Reform Commission's recommendations are strongly supported here. It is submitted that the coordinates referred to should be the geocoding system noted below and the whole computer system, including the index, should be compatible with or even part of the provincial mapping agency. The index itself could well be an appropriate set of cadastral maps which could also serve as the base maps for all forms of land use control in the province.

In summary it is recommended that:

A COORDINATED MAPPING SYSTEM FOR PROVINCIAL, AND AT THE SAME TIME FOR MUNICIPAL PLANNING NEEDS BE DEVELOPED, AND THE FOLLOWING SPECIFIC MEASURES BE TAKEN:

- A PROVINCIAL COMPUTER MAPPING AGENCY SHOULD BE ESTABLISHED IN THE ONTARIO STATISTICAL CENTRE.
- A PROGRAM OF EXTENDING BASE MAPPING COVERAGE FOR ALL MUNICIPAL AREAS AND RESORT AREAS SHOULD BE EMBARKED UPON AND WITH THE OBJECT OF COMPLETION BY THE END OF THE DECADE.
- THE COMPUTER SYSTEM FOR LAND REGISTRATION RECOMMENDED BY THE LAW REFORM COMMISSION SHOULD BE DIRECTLY CONNECTED THROUGH COMPUTER TERMINALS WITH THE MAPPING AGENCY.
- THE MINIMUM REQUIREMENTS FOR MUNICIPAL PLANNING PURPOSE WHICH SHOULD BE PROVIDED ARE:
 - TOPOGRAPHIC MAPPING SHOWING BUILDINGS AND CONTOURS AT 200' TO 1" with 5' CONTOURS AND 2½' INTERPOLATIONS;
 - THE CORRESPONDING AERIAL PHOTOGRAPHS;
 - PROPERTY OWNERSHIP MAPS ALSO ON A SCALE OF 200' TO 1" AND COMPATIBLE WITH THE TOPOGRAPHIC MAPS.

(ii) Statistics

As with maps, the collection of necessary statistical base data for planning studies is also a serious problem at the present time. Although many statistics are obtained from central sources, others have to be collected by special surveys for individual studies. The latter is not, of course, undertaken on any continuing basis, nor is much consistency to be found in methods and categories used, even between similar studies. As a result, the findings can seldom be used on an ongoing comparative basis. The remarks on present methods and common usefulness of maps also apply to statistical data where there is an even more critical need for a centralized system.

The main sources of data are the Statistics Canada (formerly Dominion Bureau of Statistics), particularly the census, the provincial assessment offices, and the myriad of special studies that are continually being carried out. The planning information set up as part of the assessment revision sheets is critical for municipal planners, but as yet is only collected in a few instances. As a first measure to improving the present situation, it is urgent that this program be speeded up and that the planning information be collected for all municipalities as soon as practicable. While almost all the assessment planning information

is available if collection is organized, there remains one question as yet unsettled and that is land use coding. A number of the larger municipalities already use land use coding systems but none are the same. It is clearly desirable that a uniform land use code be available for the province as a whole, and indeed the matter has been under study for a considerable period of time. The study has evolved through the Ministry of Treasury, Economics and Intergovernmental Affairs to the Town Planning Institute of Canada and back again to the Ministry where it appears to languish as attention focusses on other matters. It is therefore urged that the study of the land use code be resurrected forthwith and that those charged with completing the task be required to make recommendations within a specific period of time.

If statistical material is to be most useful, it must be so organized and recorded that comparisons from time to time and place to place can be made quickly and accurately. For such purposes, a common base which will render statistics mutually compatible is necessary. Such a base is available in what is known as the goecode, i.e. the system of rectangular coordinates that allows any geographic point to be identified.

The Ontario Statistical Centre appears to be the most appropriate agency to act as such a registry. At present the Centre is mainly organized to serve the government itself and is not set up to serve planning or even municipal requirements. However, an expanded role for the Centre is certainly feasible, given a policy decision at the appropriate level. At the same time, the Centre should be given a broader assignment as a repository for statistics generated by all-provincial, federal and suitable private and institutional bodies. It is self-evident from this study that this should be done.

In summary, it is recommended that an adequate base data system for municipal, and at the same time for provincial planning purposes be achieved by:

- THE DESIGNATION OF THE ONTARIO STATISTICAL CENTRE AS THE REPOSITORY OF ALL STATISTICAL DATA FOR THE PROVINCE.
- A LEGISLATIVE REQUIREMENT THAT ALL THE STATISTICS BE GEOCODED AND THAT COPIES OF THESE BE DEPOSITED WITH THE CENTRE.
- PUBLICATION OF A CATELOGUE BY THE CENTRE, LISTING THE KINDS OF STATISTICS, AND STISTICAL SUMMARIES AVAILABLE TO MUNICIPALITIES ON REQUEST.
- A COMMITMENT THAT ALL PLANNING DATA AS SET OUT IN THE ASSESSMENT REVISION SHEETS BE SYSTEMATICALLY COLLECTED THROUGHOUT THE PROVINCE BY 1975.
- THE STUDY ON A COMMON LAND USE CODE FOR THE PROVINCE BE RESURRECTED AND CHARGED WITH PRODUCING A COMMON CODE FOR ALL MUNICIPALITIES TO USE BY 1975.

The recommendation of these steps does not, of course, imply that other departments and municipalities would not keep their own statistics and mapping units for their special needs. However, it should ensure that copies of tapes, cards and other material be supplied to the Statistical Centre for use by the Centre, and for dissemination to municipalities and provincial departments in response to requests.

(iii) Central Research

Continuous changes in population distribution, societal values, living patterns, and technology demand a continuing program of research to establish proper bases for coping with the problems that arise. The nature of planning dictates broad scope to take in widely differing facets, from the mixtures of housing types to the use of leisure time, from the capacity of a lake to accommodate cottages to performance standards for industry. The ongoing program of research for such diversified fields is by its nature a difficult one to define.

At present, research closely related to municipal planning is carried on within three or four separate provincial departments, in a few of the larger city and regional planning agencies, and in the several university planning schools. Some attempts have been made to correlate certain aspects of this work by such agencies as C.C.U.R.R. for the nation as a whole, by the Department of Municipal Affairs for Ontario, and by a few

enterprising individuals working in a particular field. Although well intentioned, much of this correlation is of limited use and regrettably ephemeral. Moreover, the results of the research receive little publicity and consequently seldom becomes widely available. The usefulness is therefore considerably diminished.

It should be emphasized that as the province itself gets into provincial planning, research efforts will go to matters of provincial concern. This is an inevitable trend and one that should not be resisted. However, there is some danger that the need for municipal planning research may be lost sight of and this should be guarded against. Since many of the provincial and municipal planning problems will overlap, there is no reason why both activities should not be coordinated by the same agency.

The development of an adequate program for research on municipal planning problems, including a budget for internal and extra-mural projects, should be made the exclusive assignment of a special branch within the new Ministry of Treasury, Economics and Intergovernmental Affairs. A new Research Branch should be charged specifically with

- MAINTAINING AN INDEX OF RESEARCH PROJECTS RELEVANT TO PLANNING, PREFERABLY ONE THAT CAN BE EASILY CROSS-REFERENCED WITH OTHER INFORMATION SYSTEMS.
- MAKING RECOMMENDATIONS ON THE DISTRIBUTION OF FUNDS FOR RESEARCH PURPOSES.

- INITIATING WHERE APPROPRIATE, RESEARCH PROJECTS BY GRANTS, ETC.
- DISSEMINATING THE RESULTS OF PROJECTS TO PLANNING AGENCIES AND OTHER BODIES.
- MAKING RECOMMENDATIONS ON AGENCIES BEST SUITED TO UNDERTAKE RESEARCH PROJECTS.
- SEEKING OUT SPECIFIC RESEARCH PROJECTS IN MATTERS OF CONCERN TO MUNICIPALITIES WITH SPECIAL ATTENTION TO DAY TO DAY PROBLEMS.

In this latter respect, there are many day to day questions which continue to plague the planners and which no one ever seems to have the time to be able to answer satisfactorily. To quote a few examples, to what extent neighbourhoods are really affected or devalued by high density developments? what do various densities of development really need in the way of social services? what are the limits to the numbers of apartments which should be concentrated in one location? how can public housing best be woven into the urban fabric? does a successful downtown really require a strong retail component? to what extent can private open space effectively substitute for public open space? what is actually happening in the marketing patterns for petroleum products? and the list could be continued extensively.

(iv) Manuals

The usefulness of manuals defining content and techniques in plan-making, and setting out procedures in dealing with planning applications of various kinds was amply demonstrated by the timely and successful series on urban renewal which were widely circulated in the middle 'sixties. It is recommended that:

- THE PLANS ADMINISTRATION BRANCH BE ASSIGNED THE TASK OF PRODUCING, WITHIN THE NEXT 24 MONTHS, A COMPLETE SET OF MANUALS COVERING THE PREPARATION AND PROCESSING INVOLVED IN OFFICIAL PLANS, ZONING BYLAWS AND VARIOUS DEVELOPMENT CONTROL, SUBDIVISION ADMINISTRATION AND URBAN RENEWAL (BOTH RESIDENTIAL AND NON-RESIDENTIAL).
- COPIES OF ALL MANUALS BE LODGED WITH EACH MUNICIPALITY (OR PLANNING AREA) AND KEPT UP TO DATE WITH REVISED EDITIONS REFLECTING CHANGES IN POLICIES, METHODS, TECHNIQUES AND PROCEDURES, AS THESE EVOLVE.
- THE MANUALS SHOULD REFLECT THE VERY DIFFERENT REQUIREMENTS OF MUNICIPALITIES OF VARIOUS KINDS, AND LOCATIONS, THROUGHOUT THE PROVINCE.

b Improving Dissemination

It is patent that inadequacies in the communication of new provincial policies, regulations and procedures can do much to frustrate the good work in their preparation, with confusion and delays the discouraging product of much expenditure in time and effort. To effect sure communication, a single, clear cut and recognizable avenue of dissemination should be formally established, replacing the variety of means currently in use. It is therefore recommended that the Planning Act be amended to:

- EMPOWER THE MINISTER TO ISSUE CIRCULARS, ENUNCIATING
NEW POLICIES, PROCEDURES, AND REGULATIONS ISSUED
PURSUANT TO VARIOUS SECTIONS OF THE ACT.
- REQUIRE THAT COPIES OF ALL CIRCULARS BE LODGED WITH
EACH MUNICIPAL CLERK OR SECRETARY OF A PLANNING AREA
WHERE THEY WILL BE AVAILABLE FOR PUBLIC REFERENCE.

It is suggested that "Ontario Planning" be continued in its very useful purpose as a newsletter, aimed at keeping municipal planners abreast of what is happening in provincial planning, other municipal jurisdictions, the planning school programs, staff changes, etc.

c. Improving Municipal Capability for Planning

(i) Grants

It has been noted earlier that provincial grants for municipal purposes have been a sometime thing, attuned to certain programs (urban renewal) or specific projects (OAPADS). It has also been observed that the availability of adequate funds is the single most quality of the municipal planning work.

Where official plan preparation is mandatory, it is recommended that provincial grants be made available, matching the municipal expenditure. In order to stimulate quality, a minimum municipal share should be set, at 50¢/capita for the plan preparation and approval period. (This presupposes the existence of ministerial regulations presenting the form and content of official plans, and the availability of an official plan manual referred to above).

grants for approved studies (e.g. transportation, urban renewal) should be continued, but it is not felt desirable that grants be extended for planning administration. This should be a recognized responsibility of the municipality in the same way that engineering or financial matters are administered.

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- () Assuming half the population of the province was affected by such a grant in any one year during the next decade, at 50¢/capita the provincial cost would be in the order of \$1.7-\$1.8 million/annum.

It is recognized that there are substantial arguments against conditional grants to municipalities but it is believed that the desirability of completing a sound municipal plan within a specified time would justify the attachment of conditions during the period of plan preparation. It is therefore recommended that the Planning Act be amended to empower the Minister to:

- MAKE CONDITIONAL GRANTS AVAILABLE FOR THE PREPARATION OF OFFICIAL PLANS, OR COMPREHENSIVE AMENDMENTS TO EXISTING OFFICIAL PLANS.
- THAT REGULATIONS ISSUED PURSUANT SPECIFY A GRANT MATCHING A SUITABLE MINIMUM PER CAPITA EXPENDITURE BY THE MUNICIPALITY.
- MAKE GRANTS AVAILABLE FOR APPROVED STUDIES.

Special grants to assist public participation in the municipal planning process will be discussed in a subsequent chapter.

(ii) Planners' Qualifications

In recent years the number of university and college planning schools has significantly increased as a consequence of which so have the number of planning graduates. There is now no real shortage of professional planners at the junior and intermediate levels, although good experienced senior planners are more scarce since few were being trained 20 years ago. This latter problem can only be cured by time. There is also a pervasive

shortage of planners with backgrounds in the design disciplines (architecture, landscape architecture, engineering). Incentives should be employed to redress this deficiency.

Given an adequate college training, the next qualification for good municipal staff is variety of experience, and means for encouraging this should be considered. It may be taken as read that there must be ease of transfer between different employers with portable pensions and other benefits, moving allowances and similar encouragements. Experience within the provincial planning agencies is invaluable and all who have passed through this institution speak well of it in this regard. Continuing encouragement for staff to work in the Branch should be given with opportunities for internal circulation and experience in different sections, particularly the field offices.

With the build up of field office staffs through the decentralization of the provincial administration functions, it will be practical to seriously consider an exchange program, whereby provincial planning people trade assignments with staff from municipalities for six to twelve month intervals. This should be useful in stilling the plaintive cry (from both directions)"... But they just don't understand what really goes on here."

The provincial planners must be expected to keep themselves up-to-date technically, and with their centralized resources, they should assume leadership in assisting the municipal planners to do likewise. In previous years, provincial planners convened a number of seminars on planning topics, the most recent

and successful exercise being devoted to computer applications data banks and geocoding. The energetic continuation of these seminars could do much to acquaint local staff with new methods and programs, especially those in the more remote jurisdiction, as well as providing a common meeting place for the exchange of ideas and experience. Given suitable topics, their frequency may well be increased from the average of one a year that has been seen so far.

Some institutions benefit from stable long term employees but it is doubtful if this is true for planning. Too frequent changes can be upsetting to an administration but the injection of new or at least rejuvenated blood even at senior levels can bring new thinking which, in a rapidly changing profession like planning, can only be beneficial to both employer and employee.

In view of the controversial nature of the planning process, and its extreme political sensitivity there should be some protection for a municipal planning director or commissioner to ensure that he cannot be summarily discharged without stated cause. While cases of actual dismissal in such circumstances have been few, these have been sufficient to raise serious concern within the profession. The chief municipal planner should be able to report, advise, or give testimony secure in the knowledge that he will at least be allowed his day in

court in the case of a serious lack of confidence on the part of his employer.

It is therefore recommended that:

- SCHOLARSHIPS SHOULD BE OFFERED BY THE PROVINCE TO GRADUATES OF THE DESIGN DISCIPLINES SEEKING PROFESSIONAL DEGREES AT UNIVERSITIES HAVING SIGNIFICANT CIVIC DESIGN CONTENT AVAILABLE IN POST GRADUATE PLANNING PROGRAMS.
- THE PROVINCIAL POLICY OF ROTATING PLANNING STAFF THROUGH A VARIETY OF ASSIGNMENTS BE EXTENDED TO STAFF EXCHANGES WITH MUNICIPALITIES, WHERE PRACTICABLE.
- PROVINCIALY SPONSORED SEMINARS ON PROFESSIONAL SUBJECTS FOR MUNICIPAL PLANNING STAFF SHOULD BE SCHEDULED ON A REGULAR BASIS AND HELD REGIONALLY WHERE PRACTICABLE. PROGRAMS SHOULD BE DEVISED FOR INTERMEDIATE AND TECHNICAL STAFF, AS WELL AS THOSE AIMED AT SENIOR PERSONNEL.
- A MINISTERIAL CIRCULAR SHOULD BE ISSUED STATING THAT A CHIEF MUNICIPAL PLANNER IS ENTITLED TO PUBLICLY STATED REASONS, AND A HEARING BEFORE COUNCIL PRIOR TO DISMISSAL.

3.2.4 Extending the Use of Municipal Planning

Despite a substantial investment in municipal and provincial effort, and notwithstanding more than a fair share of publicity, neither municipal plans nor the municipal planning process have been really used extensively by the municipalities or the province. To date, municipal plans have been used most frequently (and with varying degrees of effectiveness) as a context for zoning bylaws and for the processing of private development applications. In the best circumstances, municipal plans have been utilized in the design and scheduling of trunk utilities and roads, and in locating sites and the time of school construction by educational authorities. It remains a fact nevertheless, that although there is great input to a municipal plan, there is much less appreciation of plan output in many other spheres of municipal administration.

There are many reasons. Municipal plans were seldom very good, especially in the early days, and even as they improved in quality, the content was limited to essentially physical terms. Almost none contained economic or social objectives, nor could they in any meaningful sense, tied as they were to municipal corporate limits that bore little semblance to complete social or economic units. Finally, and this is still true today, no municipal plans exhibit any financial

foundations, nor do they show any evidence that costs have been weighed against revenues in committing the municipality to a course and sequence of action.

The prospect ahead is for better and more complete plans, through larger and stronger municipal jurisdictions, sounder technical assistance, and new provincial policies defining wider than physical objectives for municipal plans and requiring the testing of the municipalities' financial capabilities for implementation. All of these have been discussed in the preceding chapter. It remains to elaborate on the ways in which municipalities might make fuller use of the results, if they can be persuaded to do so.

Persuasion it should be, at least until proven techniques are available for testing and evaluating the output, and until it is evident that a stronger provincial stance on
()
the point is meritted.

() It will undoubtedly occur to the reader that in this respect, circumstances are not so very different than they were when mandatory planning was discussed in the early post-war years.

The objective should be plans that are reliable, and a process that is quickly responsive to council's enquiries, such as; the impact of a possible new municipal program on existing programs in terms of costs and levels of service; or the merits, in terms of the social or economic objectives of the plan, of alternative priorities or directions of growth in a development sequence. In other words, what should be intended is the full integration of planning into the municipal management process.

Computer technology, which permits vast storage and ready retrieval of data and their rapid manipulation, provides the electronic tool. What is necessary is a widespread understanding of how it can be employed, trained personnel to do the work, and professional attention directed toward devising computer programs usable in solving the kinds of problems faced by local government.

The larger private developers are already utilizing related techniques to assess the impact of possibilities such as modifications to the land use plan, additions to their holdings, changes in municipal requirements etc., in terms of such things as their projected housing mix, lot production schedule, timing of trunk utility construction, cash flow etc. Boards of Education are likewise employing sophisticated means to plan

and program the provision of school accommodation among other things. It is significant that in both of these examples, reliance is placed on the municipal plan.

It is patent that a great deal of exploratory work must be done to perfect these methods for municipal management purposes. The task is well within the financial and technical capabilities of the larger regional and metropolitan municipalities, but it seems more appropriate that the province take the lead in, and assume the responsibility for advancing such techniques.

In so doing, care should be taken to involve municipal people along the way, especially through regionally convened seminars, using concrete examples drawn from recognizable situations. Of particular importance are the senior municipal staff. They are the ones who tend to be too busy, or past the stage when the learning process retains attraction. Yet it is on them that much of the success in persuasion will depend.

In summary, it is recommended that:

- THE DIVISION OF URBAN AND REGIONAL AFFAIRS EMBARK ON STUDIES AIMED AT INTEGRATING MUNICIPAL PLANNING WITH MUNICIPAL MANAGEMENT PROCESSES GENERALLY, AND SPECIFICALLY ON THE USE OF COMPUTER TECHNIQUES TO UTILIZE MUNICIPAL PLANS AND PLANNING DATA IN THE RESOLUTION OF MUNICIPAL MANAGEMENT QUESTIONS, AND

- TO WORK CLOSELY WITH MUNICIPAL STAFF FROM
ACROSS THE PROVINCE IN THE CONDUCT OF THOSE
STUDIES.

3.3 BROADENING THE POPULAR BASE

3.3.1 Machinery for Citizen Participation

The upsurge of public interest in the municipal planning process and the burgeoning of citizen desire for involvement which characterized the 'sixties has been described in Part I, and clearly identified in Part II as a major new fact of life for planning in the coming decade. The widespread and sustained nature of citizen interest seems to contradict conventional attitudes which postulate that:

- Most people do not want to become involved in public policy formulation beyond the very impersonal (secret) act of voting.
- Most people drawn into politics are activated by a single issue, and a few more by not more than two or three that are often related.
- Decentralizing jurisdictions to keep government close to the people concerned produces less rather than more participation. () (Put another way, more eligible people vote in federal elections than in municipal elections).

() Riedel, J.A. "Citizen Participation Myths and Realities" XXII (3) Public Administration Review May-June 1972

The tide of public interest swelled against a process ill-prepared to absorb it. Notwithstanding some very genuine early attempts to shake it, public apathy toward municipal planning during the 'fifties permitted the build-up of an intricate process, shielded from public participation by inconsistent notice, scant information dissemination, primitive machinery for group involvement, and formidable cost barriers to contest and appeal.

Rather few among the political, entrepreneurial, and professional practitioners within the system were prepared, by training or inclination, to respond positively to the reversal of public attitudes during the subsequent decade. Indeed, real political decision-making moved away from the local venue as municipal powers and functions shifted to the new regional councils. Until the very recent emergence of the advocate planner, professional activity was moving steadily in the direction of greater sophistication, and away from ready comprehension by laymen. Paradoxically for the citizen, one of the few favourable trends is to be found in some segments of the development industry, where the trend to greater size has produced a little recognized effect. The larger land development companies, with their extensive land inventories, have longer term commitments in a community than ever before. In response, they frequently exhibit far greater concern

for community needs and attitudes than their earlier, smaller counterparts.

Largely as a result of fixed political and professional attitudes then, municipal planning legislation and practices still retain most of the procedural deficiencies which inhibit genuine and constructive public involvement. These circumstances persist even after ten years of growing public agitation. For the citizen at large concerned with a planning matter, two measurable advances have occurred. The new readiness of people to organize and act, indeed the public search for issues, affords reasonable assurance of early and continued support. The second has been the phenomenal rise, under quite remarkable leadership, of a previously little-known provincial tribunal to the place of pre-eminence in the process. Its assumption of an almost judicial stance toward what it perceives to be citizen's rights and minority interests has filled a void in the system, and focussed attention on the need for an ombudsman at some appropriate point along the way.

The cumulative result of what has transpired is a truly sorry state of affairs for municipal planning. Undeniably, the picture is firmly implanted in the public mind of a narrowly-based and institutionalized process operating on

inside lines, with an aroused but still denied citizenry clamouring from without. As municipal planning builds toward a decade so full of promise in other ways, the consequences of neglect in the vital area of public acceptance seriously threaten to undermine its whole political foundation. The main weight of criticism over these circumstances has fallen on municipal councils, (especially those of the large urban centres and the resort townships), and this is not without irony, in view of the peripheral role in the process assigned to councils in the Planning Act. The province itself cannot be held entirely blameless, for neither by legislative action, nor by policy pronouncement, has the government moved to correct the inadequacies for citizen involvement in the municipal planning process. Recriminations aside, it is obvious that both the province and the municipalities must assign the highest priority to broadening the popular base for planning.

The discussion and the proposals in the following pages are addressed to that end. Behind all of the recommendations lie these thoughts:

Firstly, Citizen involvement in municipal planning (e.g. district plans, rezonings, renewal schemes, etc.) cannot be distinguished from citizen involvement

in a broader range of municipal management questions (e.g. road improvements, traffic regulations, transit service, tree planting, crossing guards etc.) and measures should be devised which will facilitate participation in all such matters.

Second,

The time has passed when citizens in groups or as individuals will be satisfied with hearing rationalizations of what amounts to a fait accompli. Where involvement is sought, it must begin at a time when it can materially affect the plans that are to be made.

Third,

An official attitude that citizen involvement is a necessary evil rather than of potential contribution to environmental improvement will soon be exposed, and will prove counter productive.

Fourth,

Like most genuine needs for reform, the appeal for new means to facilitate public involvement can be heated up by excessive demands, and government should not respond to past deficiencies by over-reacting to such demands. In particular,

involved citizens should not be permitted to usurp the actual decision, which rightfully rests with persons publicly elected by due process.

Fifth,

Municipal affairs are interesting, and at times can be fascinating, but there is no place in the system for summer soldiers. Those who seek involvement should be prepared to work hard and maintain the pace.

Sixth,

Without in any way inhibiting spirited argument and representation in large numbers, citizen involvement should be attended by the usual rules of civility. Boorish behaviour is seldom constructive. Those who aspire to citizen leadership should be expected to assume some responsibility for their constituent's deportment in public meetings.

Seventh,

The provincial contribution should be legislative, and financially supportive of both municipalities and citizens in fostering participation. Within

broad provincial policy guidelines, the operative apparatus should be locally determined.

Eighth, Only time and experience can hope to dispel the notion that citizens and councils are automatically on opposite sides. In the meantime, the province should be scrupulous in its policy pronouncements and actions, to avoid the impression that its function is to champion one of them.

Devising machinery for effective citizen involvement requires different solutions at different levels. What is appropriate at the neighbourhood level will not necessarily be workable for matters of city-wide or regional interest or import. Accordingly, separate attention is addressed to each circumstance.

a. At the Neighbourhood Level

The municipal planning problems which capture the attention of the most people, and in the most direct way, are those which are of impact in a single neighbourhood. This is fortunate. In such circumstances, organizing public involvement is relatively easy, a wide and representative canvass of opinion is readily

obtainable, meetings to discuss issues or projects can usually be conveniently and comfortably accommodated in school auditoriums, and the citizen can contribute his local knowledge, (often his greatest asset) to plan-making and problem solving. The principal requirements for improved participation at the neighbourhood level seem to be:

- better procedures as to notice at all stages in the process.
- financial support to resident's groups for administration costs and independent technical assistance.
- financial support and technical assistance to individuals and resident's groups on appeals of planning decisions.
- staff assistance to aldermen to improve their capabilities for response.

In order for financial and technical assistance to be made available to citizen's groups, it appears necessary to suggest some institutionalization. This is regrettable, since there is a certain fervour and energy in the spontaneous groups which form around issues, and then disband, and in their leadership there is a kind of democracy in the 'ad hoc' of the moment which is not easily safeguarded with the passage of time. On the other

hand, if public funds are to be expended in the form of grants or technical assistance, the recipient organization should be required to show, on a regular basis, that it is reasonably representative (through paid up memberships) of the residents of the neighbourhood (10%?), that its officers were duly elected by ballot, that its members are consulted on issues, and that it can furnish people to participate on working committees and attend meetings.

Citizen's groups which can meet such criteria, and which choose to register for the purpose, should be eligible for grants

- for mailings, and administrative expenses (e.g. up to \$2/member/year).
- to retain advocate planning assistance (for amounts depending on circumstances) in such matters as renewal schemes, comprehensive zoning amendments and district plans initiated by the municipality, and on major private development applications.

It is recommended that such grants be shared by the province and the municipality on a 50-50 basis. In addition to the criteria described above, grants should be conditional on

membership being open to all residents (including business tenants), and submission to the municipality of an annual report of the association's activities, and an accounting of funds received through grants.

The assistance program should anticipate that there may be more than one group in a single neighbourhood which can meet the conditions of eligibility. However, without attempting to fix a specific minimum, the program administration should be prepared to withhold support for "neighbourhoods" consisting of one end of the block.

Accepting the point of view that citizen participation can be a cost avoidance factor, rather than a cost increasing factor, () the concept of the advocate planner can be approached.

This concept, which has become popular in the United States, is being tried now in Canada with some success, notably in Toronto's Trefann Court. The idea is that there should be available to neighbourhood groups, fully trained and competent planning people to become the resource-professional of the neighbourhood, although paid by public funds. Ideally, the

() Thayer F. "Participation and Liberal Democratic Government" prepared for the Committee on Government Productions. Unpublished.

neighbourhood is given the right to hire the planner and also the right to dismiss. Advocate planners may be retained for specific projects, or on a continuing basis if sufficient planning activity warrants.

At present, there is no pool of people who are trained with advocacy planning as a career and until the stimulus of grants encourage planners in that direction, advocacy planners will have to be drawn from among consultants, and municipal staff. (A municipal staffer, can, of course, face an uncomfortable return to City Hall when his advocate's contract expires at the conclusion of an especially controversial project). The province and municipalities should be engaged in funding and providing citizen groups with this type of professional help on a 50-50 cost sharing formula. The analogy can be drawn to legal aid or Medicare. Instead of professional assistance to the individual provided at little or no cost by the government, professional assistance would be provided to the group at no direct cost to them other, of course, than whatever percentage comes from their normal taxation. At present, only middle-class neighbourhoods where the residents include people with professional skills, who can handle themselves at public meetings, and who can translate data and information into arguments to score points, are equipped to effectively mount protest movements. The evidence

Is provided quite graphically by J.L.Granatstein's Marlborough: Marathon (Toronto, James, Lewis & Samuel, 1972) which demonstrates the potency of middle-class neighbourhood groups in confronting both development corporations and the city.

Whether assisted by advocate planners or not, neighbourhood groups should be entitled to full details of development applications and survey data throughout the course of any project. In this regard, many municipal planning agencies could, with profit, retain consultants on graphic techniques to present the essentials of a proposal clearly and quickly to a large audience, or to the unpracticed citizen opening his mail.

If the new, large units of local government are to be responsive, ward aldermen will obviously require help to respond. In most large municipal jurisdictions, the elected officials continue to struggle along unaided and unable to keep up with both the regular aldermanic business, and the new consultative role demanded of them. It remains a mystery why they do not vote themselves executive assistance which would free them for more community contact, but the province really cannot make them do so. What the province might well

consider is offering a 50-50 cost sharing for a new kind of assistant, the community development officer. Not in any sense an advocate planner, his task would be to mobilize people to assist in neighbourhood projects of many kinds, of which planning matters are only one type. The community development officer's assignment is to work with people, to stimulate discussion, to inform, and to give residents confidence in and awareness of the mechanisms that can be used to make the municipality conscious of their needs and desires. Not all parts of municipalities will need such assistance, but undoubtedly at least some will in most large jurisdictions.

The effect of this consultation upon the actions of the aldermen will be a matter of individual taste and style. Some "new wave" aldermen are attempting to function on the delegate model; that is, on all issues a ward consensus is sought and then the alderman votes. Others in the aldermanic ranks feel that they have been elected to make and take decisions and they may or may not engage in consultation with their electors before casting a vote on issues.

The above suggestions are not put forward as the panacea in this most exacting area of the municipal planning process, but it is believed they will afford improvement.

It should be understood however, that consultation and involvement alone will not resolve all the difficulties. Consult though they might, groups with differing objectives and values will undoubtedly continue to disagree. Ultimately the council will have to decide, whether it be developer vs. developer, developer vs. citizen group, or citizen group vs. another, within or without the neighbourhood.

In such cases, one side or the other will be discontent with the decision. The knowledge that a full and fair opportunity has been afforded all those who care, and the comfort which that might bring will undoubtedly be the reward far more frequently than the satisfaction which derives from a happy compromise mutually agreed upon.

This being so, consideration should also be given the matter of appeals from planning decisions made by municipal councils. The mechanics of appeal are discussed in later pages. At this point, it is important to record the recommendation that a "planning ombudsman" be appointed by the province. His role should be that of ensuring that the rights of individuals and groups are protected throughout the planning process, and that their interests are fully and ably presented in any decisions appealed to the Minister for review. As a matter of practice, the

services of the ombudsman's office in matters of appeal should be limited to persons and groups of evident inability to effectively mount their own case. In providing such assistance, the office would fill an important gap in the present procedures on appeals, a void consistently pointed out by the Ontario Municipal Board in its actions and decisions over the past several years.

b. Wider-than-Neighbourhood Participation.

There are many major municipal planning issues which transcend neighbourhood limits, and which are city-wide or regional in scale and impact. It is not always easy to determine what are neighbourhood issues, and what are city-wide. Urban freeways, transit routes and airports are perhaps currently dramatic examples of such issues, which also include broad housing and density policies, downtown renewal projects, significant historical buildings etc. Not only are the issues different from neighbourhood issues but the people who are involved, or who seek to be involved in them also tend to be different, as described in Part I of this review. The following excerpt from a sociological study underscores this point.

() Wellman, B. "Who Needs Neighbourhoods?" forthcoming in Powell, A. Editor, Urban Myths and Realities, Toronto. McClelland and Stewart. 1972. (p.7-8).

"Urbanites are forming 'personal communities' consisting of ties to others with shared interests through the city, the size and variety of the city increases the likelihood that others with similar interests are available and will be found; transportation and communication facilities enable one to go afar for such lengths. It is in this sense that the despatialized community is a liberating experience enabling one to transcend traditional and neighbourhood based ties.

The social importance of neighbourhoods lies in both their heterogeneity and homogeneity. By providing a wider range of people than is found in one's personal community, urbanites are exposed to a greater variety of experiences, relationships and points of view. On the other hand, the sorting functions of most neighbourhoods mean that one is more likely to come into contact there with people with whom one has had much in common. While not providing all or even the major proportion of one's personal relationships, the neighbourhood can form the basis for a significant portion of them.

Thus in a variety of cases the neighbourhood can be an effective unit of collective action. The potential cost of this is a subordination of public interest to local interests... the neighbourhood as a social unit with which its members can easily identify and over which they feel they have some control. Such a unit, well organized, can do much to make government responsive to local needs as well as serve the important function of giving urbanites a sense of control over their own individual and group destinies.

However, not all issues are neighbourhood issues, and it would be folly to try and force all conflicts into a spatially determined mode. The political potency of interest groups organized on non-neighbourhood lines is eminently worthy of development. It would be unfortunate if we glossed over the fact that the fight for individual and community self-determination is not always synonymous with a fight for neighbourhood self-determination."

The importance of such people to the municipal planning process should be thoroughly evident by now; particularly in bringing fresh critical appraisal based on alternative values in major public policies and projects (e.g. Spadina Review Corporation and Metro transportation policies, () CORRA and the Metro Centre hearings.) What remains obscure is how to establish and support effective machinery for such activity on a continuing basis.

Many means have and are being tried, but in the absence of political parties at the municipal level (and these may be some time in coming, e.g. CIVAC in 1966 and the Liberals in 1969 in Toronto, the N.D.P. in Winnipeg), there is no formula in sight which promises a sustaining kind of organization that might be duplicated in a number of large municipalities throughout the province. The C.P.A.C. branches became institutionalized over time, and succumbed. The Spadina Review Corporation, although one shot, was at least successful in broadening the issue of one expressway into a reappraisal of Metro (and provincial) transportation policies, but its imitators in St. Catharines, Ottawa, etc. remain focussed on the single original issue. CORRA

() Confederation of Resident and Ratepayer Associations (Toronto).

aquitted itself well in the Metro Centre hearings, but no constituent ratepayer group was directly involved in that case. What remains a question is whether federations of neighbourhood groups can or will acknowledge that the sum is more than a collection of its parts, and that there are legitimate city-wide interests and initiatives that should not be subverted by local objection. At this writing, a Civic Improvement Corporation is seeking private contributions to support a continuing citizen organization addressed to a broad range of issues at the metropolitan scale in Toronto, but any success it may achieve in getting established would not necessarily be transferrable to other cities where circumstances, both political and social, may be quite different.

After extensive canvass of opinion, and reflection, this review is unable to offer a specific proposal for the establishment of machinery for citizen involvement on a wider-than-neighbourhood basis. It can only be recommended that the province make known its willingness to entertain requests for financial support from organizations with such objectives, at least on a trial basis. Each submission should be decided on its merits, and subsequently on its record. Obviously, all of criteria useful in determining

neighbourhood association eligibility for assisting would not apply.

With a city-wide or regional base, any relationship between membership and population would be meaningless. However, some other conditions would remain pertinent. Recipient organizations should be required to show (through an annual report) that officers are elected by ballot, that the membership was consulted on issues, and accountability for the grants received.

c. Recommendations Summarized

It is therefore recommended that:

- WITH RESPECT TO CITIZEN PARTICIPATION AT THE NEIGHBOURHOOD LEVEL
 - THE PROVINCE OFFER GRANTS ON A 50-50 COST SHARING BASIS WITH MUNICIPALITIES TO REGISTERED RESIDENTS GROUPS FOR ADMINISTRATIVE AND MAILING COSTS AND TO ENABLE THEM TO HIRE ADVOCATE PLANNERS WHEN NECESSARY.

-- THE PROVINCE OFFER MATCHING GRANTS TO MUNICIPALITIES FOR HIRING COMMUNITY DEVELOPMENT OFFICERS TO ASSIST WARD ALDERMEN IN RESPONDING TO THEIR CONSTITUENTS.

-- A PLANNING OMBUDSMAN BE APPOINTED TO ENSURE THE RIGHTS OF INDIVIDUALS AND GROUPS ARE PROTECTED IN CASES WHICH ARE APPEALED TO THE MINISTER.

- WITH RESPECT TO WIDER THAN NEIGHBOURHOOD PARTICIPATION

-- THE PROVINCE ANNOUNCE A PROGRAM OF GRANTS TO CITIZEN'S ORGANIZATIONS CONCERNED WITH PLANNING ISSUES OF CITY-WIDE AND REGIONAL SIGNIFICANCE.

3.3.2 Notice and Appeals

a. Notice

The inconsistencies in the requirements and practices as to notice for persons affected by matters dealt with in the municipal planning process have been documented in a number of separate places throughout Part I of this review, and it will be convenient to recapitulate and summarize here.

The Planning Act requires that Planning Boards "hold public meetings and publish information for the purpose of obtaining participation and cooperation of the inhabitants of the planning area in determining the solution of problems or matters affecting the development of the planning area" (Section 12(1)(b)). In most jurisdictions, dutiful attempts have always been made to interest the public in plan-making, but early efforts achieved almost no success on city-wide issues, and limited results on neighbourhood matters. In the late 'fifties, the province began to require that minutes of public meetings be submitted with applications for approvals of official plans, but has seldom required that any objections (other than its own) be resolved except by way of reference to the O.M.B. if a determined objector is involved.

In the processing of planning applications, public participation is uneven, largely owing to the vagaries of notice and the nature of the municipality. Zonings and rezonings (Section 35) benefit from O.M.B. regulations as to notice, time for objections, appeals and hearings, and these have been continuously revised and improved over the years. Variances before Committees of Adjustment (Section 38) follow the same procedures, and so have consents to lot divisions (Section 29) after they were assigned to Committees of adjustment. For plans of subdivision (Section 33) no notice is required unless some other kind of application (official plan or zoning amendment) is involved.

Public meetings are expected for official plan amendments, but no formalized regulations as to notice have ever been set. In practice, the zoning rules are usually followed if the matter is sufficiently local, newspaper advertisements announce public hearings on larger issues.

Site plan approvals, increasingly important for development control, are not recognized as part of the planning process by the Planning Act, and procedures as to notice tend to be hit and miss (mostly miss). In fact, the trend is for planning boards to delegate site plan approvals to the planning director except where he believes that a departure from previously set policies or standards is involved.

The urban renewal section of the Planning Act requires approval of a redevelopment plan by the O.M.B., with the result that the Board's procedures as to notice pertain. The section enabling the passage of bylaws setting standards of maintenance and occupancy (Section 36) specifically directs notice to all owners or occupants affected.

Whatever the procedures, formal or informal, they all share a common characteristic.... citizens are seldom involved until after the planning proposal has been prepared - and alternatives are seldom offered. In other words, the observance of Section 12(1)(b) has been aimed chiefly at obtaining the cooperation of the inhabitants, rather than their participation. The problem, and its consequences are capsuled in the so-called Widdicombe case in Brampton. ()

By the time plan-making and plan processing had become politicized through citizen interest, they had become identified with three increasingly unpopular aspects of the urban scene - high rise apartments, automobiles, and clearance - with the result that hostility now seems to characterize almost all public meetings to do with municipal planning.

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- () A Divisional Court proceeding in which the validity of an official plan amendment and two zoning bylaw amendments, passed by council without notice to, or a hearing by persons affected, are being challenged.

Of all past deficiencies, the early apathy toward ^{about meetings} public participation, and later fumbled response to ^{alternative plan} aroused citizen interest appear in retrospect as perhaps ^{signature of} the most serious failures. It is no exaggeration to ^{presented} suggest that the consequences present the most difficult ^{meetings of} problem for municipal planning in the future. ^{various} ^{stages} ^{etc.}

Clearly, legislative changes are long overdue. It is recommended that the Planning Act be amended directing that notice be given to persons and groups which may be affected, of receipt by the municipality of planning applications of all kinds, and of the public hearings which must be held in connection therewith. The same should pertain to major planning projects initiated by a municipality (i.e. Municipal Structure Plans or District Plans or comprehensive amendments thereto, zoning bylaws or comprehensive reviews, renewal studies and schemes, etc.).

The Minister should be empowered to issue regulations establishing procedures to be followed in each case. These things seem to be important:

- Consistency in procedures should be maintained wherever possible.

- "Persons and groups" affected should include any neighbourhood associations registered with the

Should provide this its separate registration by

What does this mean

municipality for the purposes.

- For individuals, the general "within 400 feet" rule instituted by the Ontario Municipal Board seems to have stood the test of time very well.
- Where new developments are under construction, the municipalities should be required to make reasonable effort to notify new home purchasers not yet listed on the tax roll.
- Where applications are necessitated by new shopping centres or extensions, the 400 foot rule should be extended to include other existing or approved commercial developments likely to be affected.
- Persons receiving notice should be entitled to receive details of the application from the municipality on request.

b. Appeals

In preceding sections, it has been recommended that where
 ()
 suitable circumstances prevail, all planning applications be approved by municipal councils. The only exception recommended is the Municipal Structure Plan and amendments thereto, approvals of which should remain vested with the Minister.

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- () In terms of appropriate municipal plans, adequate staff, suitable procedures as to notice, etc.
 See Section 3.2

It was also recommended that appeals from municipal council decisions should be heard by an Inspector, appointed by the Minister and supported by qualified staff, who would conduct a hearing involving all parties, along the lines of the system operated in the United Kingdom. ()

Furthermore, it was recommended that a provincial ombudsman be appointed for the purpose of assisting individuals and groups in preparing and presenting appeals.

What has yet to be discussed is the nature of the appeals themselves. Reflecting its concern for citizen's rights, the Ontario Municipal Board's present policy is to hold a hearing on a zoning application if advised of an objection of almost any kind. In deciding on requests for references to the Ontario Municipal Board of other planning matters, the Minister almost never refuses (although he now has discretion to do so) unless there is a question of provincial policy involved. (In the latter circumstances, there would be no point, since the O.M.B. recognizes its function to apply stated provincial policies).

() This would remove its function under the Planning Act from the Ontario Municipal Board. Adversary-type proceedings would no longer apply in planning decisions except for matters appealed to the courts.

Although perfectly understandable in principle, the predilection for granting hearings on virtually any and all appeals has serious disadvantages in practice. A project can be delayed for months awaiting a hearing initiated by a letter saying not much more than "We, the undersigned, object". Cases are frequently put together at great public and private expense for a hearing at which the objector fails to show up, or appears to offer only a token opposition. Since there are no sanctions against this such conduct, the threat of forcing a hearing is a powerful means of imposing unwarranted demands on an applicant who is pinned to a tight development schedule.

The dismissal of appeals without a hearing is essentially repugnant but insistence on some responsibility in the process is not. It is therefore recommended that the planning ombudsman be required to assist in appeals only where he is satisfied that a prima facie case for the appeal can be made. Further, it is recommended that the Minister be empowered to make orders as to costs for hearings, and that both appellants and respondents be advised that they may be held responsible for hearing costs if unable to present a substantiated case at the hearing.

In summary, it is recommended that:

- WITH RESPECT TO NOTICE

- THE PLANNING ACT BE AMENDED TO DIRECT THAT NOTICE BE SENT BY MUNICIPALITIES TO ALL PERSONS AFFECTED OF RECEIPT OF PLANNING APPLICATIONS OF ALL KINDS, AND OF THE INITIATION OF MAJOR MUNICIPAL PLANNING PROJECTS BY THE MUNICIPALITY; AND THAT THE SAME APPLY TO ALL HEARINGS TO BE HELD IN CONNECTION THEREWITH.
- THAT THE MINISTER BE DIRECTED TO ISSUE REGULATIONS AS TO NOTICE AND HEARINGS WITH RESPECT TO PLANNING APPLICATIONS OF ALL KINDS AND MAJOR MUNICIPAL PLANNING PROJECTS.

- WITH RESPECT TO APPEALS

- THAT AS A MATTER OF POLICY THE PLANNING OMBUDSMAN BE REQUIRED TO UNDERTAKE TO ASSIST APPEALS ONLY WHERE A PRIMA FACIE CASE FOR APPEALS IS PERCEIVED BY HIM.
- THAT THE AMENDMENTS TO THE PLANNING ACT VESTING DECISIONS ON APPEALS IN THE MINISTER ALSO EMPOWER HIM TO MAKE ORDERS AS TO COSTS OF THE HEARINGS.

3.4 IMPROVING THE SOCIAL AND ECONOMIC CONSEQUENCES

In Part I of this review it was noted that the principal objectives in the passage of the Planning Act were physical, and to the extent that economic consequences were considered, these were in terms of direct costs to municipal and educational budgets. A broader evaluation of the impact of the process appears not to have been considered. In Part II it was suggested that improving the social and economic consequences of municipal and provincial planning is clearly a prime objective of the coming decade.

This chapter will therefore discuss these objectives under a number of headings: first, the broad question of growth patterns and economic development, secondly, housing policies and practices; then social facilities and services.

3.4.1 Growth Patterns and Economic Development

On November 28, 1968 the then Prime Minister in his second major speech on the government's policies which had first been enunciated in "Design For Development", stated: "The objectives of regional development are the 'provision of the best possible environment for our people' and the 'creation

and maintenance of an atmosphere which will encourage economic growth and development throughout the province'. In so stating, the government emphasizes that it has the responsibility to carry out and give direction to regional land use and economic development planning." The Prime Minister went on to say "Mr. Speaker, as I have stated in this House on other occasions, we are determined to produce guidelines for our regions so that both the public and private decisions which affect our development can have realistic relationships to one another."

To date, Mr. Robarts' statements have not been repudiated, on the contrary, subsequent statements in Design For Development Phases II and III, together with progress on Regional Plans indicate that the province intends to proceed with the program initially contemplated.

For the last decade at least, municipalities have been suggesting that their difficult role would be made easier if the province provided the context within which they could function. The reply, so far, has been the issuance of the statements noted above, together with others; some juggling with the grant system to ease the most acute pains; some reorganization of local government where the strains have been most severe and a start on a series of Regional Plans.

To date, no overall context for Ontario as a whole has been put forward as government policy either in fiscal planning or developmental terms. The present situation and indeed the future direction of travel is thus almost as confusing and uncertain as ever.

It is not unreasonable to assume that the government has some overall context for the province in mind. It is therefore strongly recommended that it be announced.

The statements noted above and any review of government activity in the past would convince the observer that the expansion of the economy and growth, at almost any price, has been an axiom in Ontario since the end of the Second World War. Recently, however, the appropriateness of both has been raised in a number of municipalities of varying size and nature. It is therefore important that the government consider this question in detail and decide, insofar as it can do so within a federal framework, what its stance on growth is and will be. It may not be as politically difficult to put forward an overall plan for the province in this decade as in the last, although the problems inherent in any pronouncement that does not promise everything to everyone are fully appreciated.

In any event, it is recommended that the matter of an overall context for the Regional Plans now being formulated by the province is essential and that until this is available, the validity of at least some of the work now being undertaken by various governmental agencies may be questioned. An illustration of credibility gap possibilities may be found in Southwestern Ontario.

On the north shore of Lake Erie it is expected that some substantial growth will take place as a result of major industrial developments. In response to the 1968 announcement by The Steel Company of Canada that it had purchased land and intended to build a steel plant near Nanticoke, the government appointed the Haldimand-Norfolk Study "Task Force" on 17 March, 1969. It reported to the Minister of Municipal Affairs. The group has conducted numerous studies, held many meetings in the area and has produced a number of reports. At the same time, the Regional Development Branch of the Department of Treasury and Economics has been busily formulating proposals for the Lake Erie Region which embraced Norfolk but not Haldimand. Its report "Prospects for the Lake Erie Region" was presented to the public in April, 1972. In order to dispel any thoughts that might be harboured that the two groups were not working in harmony, "A Joint Statement by the Department of Treasury and Economics and the Department of

Municipal Affairs" was made in March, 1970 entitled "A Strategy for Southwestern Ontario Development". However, the impression remains that the relationship of the two efforts may not be as close as might be desired. And, it is not surprising that there is some confusion in local minds as to how the various parts of the puzzle fit together.

The preparation of a provincial plan providing the overall context for subsequent action such as that in the Nanticoke area is essential. When the government has stated and tested its overall growth goal, it must clarify its intentions for the several parts of the province so that the specific roles of the various regions (five) now contemplated, may be known. Subsequently, these should be stated in detail in provincially sponsored Regional Plans -- it is presumed that those now under discussion will be revamped to fit the new regions.

In connection with Regional Plans, it is recommended that unless the government has clear ideas as to how it expects Regional Plans to be implemented, and what their effects may be in both economic and social terms, and is prepared to spell these details out, the plans should not be released.

This recommendation is made for two basic reasons.

Firstly, it is apparent, in an age that demands openness and in an era when the courts insist on disclosure, that the people who are to be affected by government plans have a right to know their implications and costs. Secondly, unless the plans are prepared in sufficient detail for it to be known that they are capable of being implemented within reasonable economic limits and at acceptable social costs, they should not be adopted.

When the Toronto-Centred Region Concept was presented, it was stated that it should be discussed by those affected and that their views should be given to the government so that the final Plan for the region could take into account, if not reflect, local input. Unfortunately, the vagueness of the proposal and the lack of information as to how it might be implemented made serious comment in depth impossible. For instance, the concept appeared to put forward the idea that growth should take place in several existing centres outside the commuter shed, such as Barrie, and in a number of new urban nodes, such as Columbus. It did not, however, explain how it was proposed to initiate and sustain development in the latter or how much, and how, development should

take place in the former. Without such information, it was, and is, impossible to comment in any coherent way. Similar views may be expressed about subsequent publications for various parts of the province although they are even more preliminary, and detail on their implementation could not be expected to be exact.

It is therefore recommended that future plans emanating from the government should be rigorously tested, and if alternatives are put forward, they should be similarly treated. And, that the factors considered in the testing should be available for public as well as municipal scrutiny.

No one can reasonably expect governmental coffers to be limitless, that every part of the province can grow at an equal rate, or that every sector of the economy should be afforded equal treatment. Priorities must be set and they must be set in a workable context. The government, through the Ontario Municipal Board, has made this plain to municipalities and it is incumbent upon it to provide a workable context for its grants and expenditures throughout the province so that the municipalities may act in a climate of reasonable certainty. The sort of expenditures necessary to effect development have been rising very swiftly

and in the future will be gigantic. It is essential that every part of that expenditure be as meaningful as possible. The process of decision making will be infinitely more complex than it was a decade ago because only now are the relationships between various sectors of the economy becoming clear in relatively sophisticated situations. In others, the patterns are not even fuzzily understood. As a result, importance of many decisions may not be appreciated. A crude example will serve to illustrate this point. Not long ago only one urban centre in the province was served with expressway facilities. Some cities and towns had arterial type roads with channelized intersections. Within the last ten years half a dozen centres have been blessed with grade separated interchanges within the urban limits. These facilities consume large areas of land, the most complex may take several hundred acres and comprise almost fifty miles of pavement. In the past they have rarely been considered in terms of the amount of park space that might have been purchased for the same cost (in some cases almost a quarter of a century's parks accommodation budget), or the number of senior citizen housing units that might have been built in lieu. The relationships have not even been contemplated. But now they are and in the future much more attention will have to be given, at all levels of government,

to the trade-offs necessary to produce and maintain an acceptable environment. The readily comprehended public work may not be accepted in lieu of the less tangible and accountable benefits of better services in other areas.

The consideration necessary to balance a myriad of factors and reach satisfactory decisions in an era of public scrutiny will be neither inexpensive nor swift. Initially, it can be expected that many blind alleys will be followed and many studies weighted too far in the direction of over consideration. This will hopefully not result in a violent swing of the pendulum to a situation where ad hoc decisions of "let's get the bulldozers working and draw the plans later" will be more the vogue. The important fact to be recognized is that the techniques of analysis are available and it is important that the government use them and insist on the municipalities using them in appropriate circumstances.

In order to assist in these endeavours, the province should initiate serious research into the techniques of cost benefit analysis, financial budgeting and public space allocation in order that fruitful work can be undertaken. It should also make arrangements to systematically monitor and evaluate the work undertaken by municipalities and the results thereof in order to gain by experience in a wide range of situations.

In addition to its role in providing the framework for urban and rural development and change in Ontario, there must be concern with the problems of the vacation areas.

As a result of government's most successful efforts to stem pollution in the vacation areas, the same shortages and escalating prices may arise as have been evident in Metropolitan Toronto's residential market. The province has in the past provided rather substantially for the summer vacation needs of those who wish to use provincial parks. Should it not also provide winter facilities in areas where it does not feel that private enterprise should be permitted to serve the market? Unquestionably, the market for winter recreation facilities will continue to expand. The tourism, vacation and recreation sectors of the economy will be increasingly buoyant. The government must now consider the measures necessary to cope with the problems now evident and likely to arise and find satisfactory solutions. As in the urban areas, it will be essential to balance the trade-offs and avoid yielding to pressures from a relatively small number of existing residents. Their needs are legitimate but they have no special right to nature's bounty to the detriment of future generations whose heritage the Muskokas and Kawarthas must be.

In summary then it is recommended that:

The Government formulate, rigorously test, put forward for public discussion and comment and then adopt a framework within which Regional Plans may be set and subsequently Municipal Plans worked out.

The provincial framework should have specific regard to the question of growth for growth's sake.

The framework should not only set out the context for urban and rural growth but should make positive policies respecting vacation and outdoor recreation areas.

Provincial Regional Plans should contain specific recommendations as to how they are to be implemented.

To assist in the process of formulating a Provincial Framework and Regional Plans the Province should undertake serious research into the techniques of cost benefit analysis, and financial budgeting. This should be made available to Municipalities.

Where the Provincial Framework and Regional Plans allocate a specific role to an area, funds and/or facilities should be provided by the Province to enable it to fulfill its obligations.

In urban areas serious research into the social and economic problems of development is urgent. Many of the purely physical aspects of growth have been watched over the years and satisfactory solutions found to such matters as parking, drainage, access and garbage collection.

Almost nothing, however, is known about the effect of various densities on people. Some rather minor studies have been made in a few developments but how much has

actually been learned from St. James Town or Don Valley Village? How many apartments is it reasonable to permit in one area and how high? Is there a difference between developments of the same density in a downtown or a suburban situation? What is known of the effect of permitting a floor space index of twelve along Bloor Street between Yonge Street and Avenue Road? The economics and social as well as psychological and environmental consequences are significant but it would not appear that much has been learned and applied in the current deliberations on the Metre Centre Development. Before pressure for development of this type is experienced elsewhere, the government should be armed with answers which it can provide to municipalities as they require assistance. There are many other areas that urgently demand research attention. One relates to local park and open space. How much park space is actually used,

by whom and how often? Is there a difference in need between the city and the suburbs, the high, medium and low income groups, the religious and ethnic segments of the population? Is there a difference in need between Toronto and Leamington, Hawkesbury and Kenora?

Some of these problems should be tackled at a federal level and the creation of the Ministry of Urban Affairs should assist in this regard. Nevertheless, the province must establish an absolutely first class research with adequate funds to carry out some research on its own, and formulate programs of research to be carried out by universities, students, consultants and others. It must also be capable of providing programs of data gathering for municipalities to carry out so that a substantial body of knowledge may be built up in the swiftest possible time. Such a program will not be inexpensive and results will not be instantaneous. It is, however, absolutely vital if vast sums of money are not to be wasted in the future. A budget of a million dollars per annum for such work would not be unreasonable.

It has been recommended elsewhere in this part of the review that official plans should be substantially different in both structure and content. Hopefully they will benefit from the serious research suggested above. Hopefully, they will complement comprehensive regional plans set in a province

wide context. The need to produce satisfactory guidelines at the earliest possible opportunity is apparent. The need to convince discreet regions that competition for growth is not the answer to contemporary problems is equally evident. Each part must play its important role.

3.4.2 Housing Policies and Practices

One of the most important elements in the provincial economy is the construction industry and one of its largest components is housing. In Parts I and II of this review the role of housing in the overall planning picture was outlined and it was stated that outrageous land prices were the most significant economic consequence of twenty five years' municipal planning experience. It is thus clear that a comprehensive attack on the problem of astronomical land prices for housing is urgently required. This must, however, be set in the context of overall policies for growth as a whole. It will not be sufficient to provide or permit housing on an ad hoc basis in those areas or for those groups who must vociferously put forward a demand for facilities.

It is not suggested that the housing should be used as an economic regulator or that the provision of services that would permit housing development should dictate planning strategy. It is, however, argued that housing is one of the

most important elements in the development of any area and that it is incumbent on both the provincial government and the municipalities to be concerned with the provision of housing types suitable for all segments of the population and to express their concern in unambiguous policy statements.

There is a clear necessity for the province to formulate and adopt a comprehensive housing policy within the context of a comprehensive plan for Ontario. Only in the light of such a vehicle can equitable allocations be made by the public sector.

It is equally important that the province clarify its views concerning the respective roles of the public and private sectors of the housing industry so that each may function most effectively and economically. It should be noted in this regard that the government, through the Ontario Housing Corporation and other agencies, was responsible for more than a quarter of the housing starts in the province during 1971.

Clearly the two should be complementary in their efforts, but such is difficult if the public sector, which controls the rate of building by the development approval process, and by its influence the financial organs, does not state its intended position for the future.

The government should consider whether it should continue to build and maintain (with or without subsidy) a very large stock of housing. And, if it should, under what circumstances or for what groups it should provide housing units per se, i.e., senior citizens, students, etc.

The government has to date taken on the job of building and maintaining a very large housing stock. This is curious for two reasons. Firstly, building costs per se have not risen in any substantial way over the last two decades, especially in comparison with land costs, and secondly, the expense of permanently subsidizing and managing so many units is a tremendous drain on public funds. While there is undoubtedly a need for the government to own and operate some housing units, it may well be possible for it to achieve the social objectives it seeks via the land rather than building component.

Bearing in mind the fact that the increase in the cost of land has been by far the greatest cause of present housing problems, the province should consider whether it might purchase (even expropriate) strategically situated land (within two years of being able to be developed), write down the cost of the land (as in urban renewal), lease it and thus bring down the price of land as ripe or less ripe

for development. Any policy of this kind would have to be carefully tailored to the specific area in which action was taken and it would be essential to record carefully and fully the results so that the experience would become invaluable input to future operations.

The government should also consider its role in "Land Banking" generally and how it might best use this powerful tool to further its provincial plan. There are many situations where it could, for instance, spur development by such a device and others where it could most effectively and fairly provide an environment that would be impossible for all but the most philanthropic private organizations.

The province should also consider and clarify its future role in the provision of major trunk services for development purposes. Its activities in this regard have been significant, both where it has acted positively in Peel County and where it has not acted in Southern York County. Lessons can also be learned from such schemes as that for water in Essex County and in the Lake Huron pipeline to London.

In regard to services, the government should state what facilities and standards it deems appropriate in various situations at least as a guide to municipalities. Consideration should even be given to requiring provincial approval of such

standards or perhaps adherence to a provincial code with variations within certain limits, such as in the National Building Code.

The government should also provide strong guidance in respect of the fiscal arrangements it deems appropriate between government agencies at various levels and the private sector. At the present time, the levies or imposts charged by municipalities vary so widely that it would appear highly improbable that a scientific basis for their imposition has been formulated, although some may have originally been based on rational calculation.

One of the most serious problems of the housing industry over the years has been the intermittent flow of mortgage funds and the rate of interest attached to money. The industry needs to be able to plan ahead but it is extremely difficult to do so if it is uncertain about the funds with which it must operate. The province can and should take steps to assure that mortgage money will be available at reasonable rates on as long a term as possible, say a minimum of five years. This should not only be for the industry generally but for particular geographic areas where, for instance, the government may, in accordance with a provincial plan, want development to occur and where private institutions may be reluctant to supply funds.

In the past, hard services such as sewers and watermains have been regarded as the most important public elements in the provision of residential development. Educational facilities have been the most significant soft service. They will continue to be vital. Funds for the latter are still a particularly troublesome matter in some areas, although in most, the county educational system has gone far to alleviate serious problems in the past. Attention must, however, still be directed to this problem and particularly the need to coordinate the efforts of educational authorities with those of local governments in site location and the timing of development. In the future other soft services will assume an increasing importance and they are the subject of a later part of this section.

3.5 CONCLUSIONS

Completion deferred pending receipt of Steering Committee comments on Parts II and III.

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